HISTORICAL SOURCE BOOK

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HISTORICAL SOURCE BOOK

BY

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"The most ingenious and the most eloquent of modern historical discourses can after all be nothing more than a comment on a text."

—E. A. FREEMAN: *Methods of Historical Study*

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PREFACE

My *Readings in Ancient History* and *Readings in Medieval and Modern History*, published some years ago, were intended to provide high-school students of history with a considerable body of narrative and biographical material, for use in connection with their text-book. I now put forth this third volume of thirty-three documents. All but the first two relate to the seventeenth, eighteenth, nineteenth, and twentieth centuries.

Two principal motives have dictated the selection of these particular documents, out of the hundreds which might have been chosen. First, I wished to exhibit the historical development in England and America, and later on the Continent, of orderly, constitutional, and democratic government. From this point of view, an intimate acquaintance with Magna Carta, the Petition of Right, the Bill of Rights, the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States, and the Declaration of the Rights of Man is of supreme value to every intelligent American citizen. Second, I wished to trace the growth of international law and of international relations, generally, as registered in such state papers as the Monroe Doctrine, the Durham Report, the Declaration of Paris, the Peace Circular of Nicholas II, and the Covenant of the League of Nations. Few at this time will deny their epoch-making significance for mankind.

It is not expected that every student will read every document. A proper choice must be made by the teacher, in accordance with the scope and character of her instruction and the maturity of her class. Moreover, some of the longer documents (especially Nos. 1, 5, 6, 7, 9, 13, and 14) will doubtless never be read *in extenso*. To facilitate omissions and to aid in the comprehension of the subject matter, I have retained the numbered articles and sections appearing in many of the documents and elsewhere have myself supplied them.

The documents are reprinted in their original form without verbal change. No omissions have been made, except as indicated. Spelling, capitalization, and punctuation have been modernized

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throughout, though it has been difficult to preserve entire uniformity in these respects. Brief editorial introductions, a few notes which seemed to be indispensable, and an index and pronouncing vocabulary complete the equipment of the book.

I am under great obligations to James MacLehose and Sons, of Glasgow, for permission to use the now standard translation of Magna Carta by Professor W. S. McKechnie. The version of the Confirmation of the Charters is that by Bishop Stubbs, as revised by Mr. H. W. C. Davis. Three French Revolutionary documents are taken by permission from the *Translations and Reprints* published by the Department of History, University of Pennsylvania, and from Professor F. M. Anderson's well known collection illustrating the modern history of France. The other documents are transcribed from official or semi-official sources, as indicated in the foot-notes.

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HISTORICAL SOURCE BOOK

1. THE GREAT CHARTER, 1215 [1]

MAGNA CARTA stands foremost among the great documents which established the liberties of Englishmen. Nevertheless, it did not form an innovation. King John's predecessors, Henry I, Stephen, and Henry II, had issued coronation or accession charters restricting the authority of the sovereign in favor of nobles, clergy, and commons. Magna Carta was suggested by and based upon these earlier grants. The barons who forced it on the king took care that it should be widely known and distributed sealed copies throughout the land. Of these, four are still in existence: two in the British Museum and two in the cathedrals of Lincoln and Salisbury, respectively. The division of the document into a preamble and sixty-three articles is not found in any of the original copies; it is a modern device for convenience of reference. Much of the charter cannot now be understood without special research in English constitutional and legal history. Every student should be familiar, however, with at least articles I, XII, XIII, XIV, XV, XX, XXVIII, XXIX, XXXIX–XLII, XLV, LI, LXI, and LXIII.

THE GREAT CHARTER, 1215

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and count of Anjou, to the archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, stewards, servants, and to all his bailiffs and liege subjects, greeting. Know that, having regard to God and for the salvation of our souls, and those of all our ancestors and heirs, and unto the honor of God and the advancement of Holy Church, and for the reform of our realm, by advice of our venerable fathers, Stephen, archbishop of Canterbury,

[1] W. S. McKechnie, *Magna Carta*, pp. 185–479, *passim*. Second Edition. Glasgow, 1914. James MacLehose and Sons.

primate of all England, and cardinal of the Holy Roman Church, Henry, archbishop of Dublin, William of London, Peter of Winchester, Jocelyn of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, Benedict of Rochester, bishops: of master Pandulf, subdeacon and member of the household of our lord the Pope, of brother Aymeric (master of the Knights of the Temple in England), and of the illustrious men William Marshal, earl of Pembroke, William, earl of Salisbury, William, earl [of] Warenne, William, earl of Arundel, Alan of Galloway (constable of Scotland), Waren Fitz Gerald, Peter Fitz Herbert, Hubert de Burgh (seneschal of Poitou), Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Bassett, Philip d'Aubigny, Robert of Roppesley, John Marshal, John Fitz Hugh, and others, our liegemen.

I. In the first place, we have granted to God, and by this our present charter confirmed for us and our heirs forever that the English Church shall be free, and shall have her rights entire, and her liberties inviolate: and we will that it be thus observed; which is apparent from this that the freedom of elections, which is reckoned most important and very essential to the English Church, we, of our pure and unconstrained will, did grant, and did by our charter confirm and did obtain the ratification of the same from our lord, Pope Innocent III, before the quarrel arose between us and our barons: and this we will observe, and our will is that it be observed in good faith by our heirs forever. We have also granted to all freemen of our kingdom, for us and our heirs forever, all the underwritten liberties, to be had and held by them and their heirs, of us and our heirs forever.

II. If any of our earls or barons, or others holding of us in chief by military service shall have died, and at the time of his death his heir shall be full of age and owe relief, he shall have his inheritance on payment of the ancient relief, namely, the heir or heirs of an earl, £100 for a whole earl's barony; the heir or heirs of a baron, £100 for a whole barony; the heir or heirs of a knight, 100 *s.* at most for a whole knight's fee; and whoever owes less let him give less, according to the ancient custom of fiefs.

III. If, however, the heir of any of the aforesaid has been under age and in wardship, let him have his inheritance without relief and without fine when he comes of age.

IV. The guardian of the land of an heir who is thus under age shall take from the land of the heir nothing but reasonable produce, reasonable customs, and reasonable services, and that without de-

struction or waste of men or goods; and if we have committed the wardship of the lands of any such minor to the sheriff, or to any other who is responsible to us for its issues, and he has made destruction or waste of what he holds in wardship, we will take of him amends, and the land shall be committed to two lawful and discreet men of that fee, who shall be responsible for the issues to us or to him to whom we shall assign them; and if we have given or sold the wardship of any such land to any one and he has therein made destruction or waste, he shall lose that wardship, and it shall be transferred to two lawful and discreet men of that fief, who shall be responsible to us in like manner as aforesaid.

V. The guardian, morever, so long as he has the wardship of the land, shall keep up the houses, parks, fishponds, stanks, mills, and other things pertaining to the land, out of the issues of the same land and he shall restore to the heir, when he has come to full age, all his land, stocked with plows and "waynage," [1] according as the season of husbandry shall require, and the issues of the land can reasonably bear.

VI. Heirs shall be married without disparagement, yet so that before the marriage takes place the nearest in blood to that heir shall have notice.

VII. A widow, after the death of her husband, shall forthwith and without difficulty have her marriage portion and inheritance; nor shall she give anything for her dower, or for her marriage portion, or for the inheritance which her husband and she held on the day of the death of that husband,; and she may remain in the house of her husband for forty days after his death, within which time her dower shall be assigned to her.

VIII. No widow shall be compelled to marry, so long as she prefers to live without a husband; provided always that she gives security not to marry without our consent, if she holds of us, or without the consent of the lord of whom she holds, if she holds of another.

IX. Neither we nor our bailiffs shall seize any land or rent for any debt, so long as the chattels of the debtor are sufficient to repay the debt; nor shall the sureties of the debtor be distrained so long as the principal debtor is able to satisfy the debt; and if the principal debtor shall fail to pay the debt, having nothing wherewith to pay it, then the sureties shall answer for the debt; and let them have the lands and rents of the debtor, if they desire them, until they are indemnified for the debt which they have paid for him, unless the principal

[1] A word of uncertain meaning.

debtor can show proof that he is discharged thereof as against the said sureties.

X. If one who has borrowed from the Jews any sum, great or small, die before that loan can be repaid, the debt shall not bear interest while the heir is under age, of whomsoever he may hold; and if the debt fall into our hands, we will not take anything except the principal sum contained in the bond.

XI. And if any one die indebted to the Jews, his wife shall have her dower and pay nothing of that debt; and if any children of the deceased are left under age, necessaries shall be provided for them in keeping with the holding of the deceased; and out of the residue the debt shall be paid, reserving, however, service due to feudal lords; in like manner let it be done touching debts due to others than Jews.

XII. No scutage[1] nor aid[2] shall be imposed on our kingdom, unless by common counsel of our kingdom, except for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter; and for these there shall not be levied more than a reasonable aid. In like manner it shall be done concerning aids from the city of London.

XIII. And the city of London shall have all its ancient liberties and free customs, as well by land as by water; furthermore, we decree and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.

XIV. And for obtaining the common counsel of the kingdom anent the assessing of an aid (except in the three cases aforesaid) or of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, severally by our letters; and we will moreover cause to be summoned generally, through our sheriffs and bailiffs, all others who hold of us in chief, for a fixed date, namely, after the expiry of at least forty days, and at a fixed place; and in all letters of such summons we will specify the reason of the summons. And when the summons has thus been made, the business shall proceed on the day appointed, according to the counsel of such as are present, although not all who were summoned have come.

XV. We will not for the future grant to any one license to take an aid from his own free tenants, except to ransom his body, to

[1] Scutage was a direct tax in commutation for military service.

[2] The three aids were direct taxes paid by the tenant to his lord upon the three occasions here specified.

make his eldest son a knight, and once to marry his eldest daughter; and on each of these occasions there shall be levied only a reasonable aid.

XVI. No one shall be distrained for performance of greater service for a knight's fee, or for any other free tenement, than is due therefrom.

XVII. Common pleas [1] shall not follow our court, but shall be held in some fixed place.

XVIII. Inquests of *novel disseisin*,[2] of *mort d'ancestor*,[3] and of *darrein presentment* [4] shall not be held elsewhere than in their own county courts and that in manner following: We, or, if we should be out of the realm, our chief justiciar, will send two justiciars through every county four times a year, who shall, along with four knights of the county chosen by the county, hold the said assizes [5] in the county court, on the day and in the place of meeting of that court.

XIX. And if any of the said assizes cannot be taken on the day of the county court, let there remain of the knights and freeholders, who were present at the county court on that day, as many as may be required for the efficient making of judgments, according as the business be more or less.

XX. A freeman shall not be amerced for a slight offense, except in accordance with the degree of the offense; and for a grave offense he shall be amerced in accordance with the gravity of the offense, yet saving always his "contenement"; [6] and a merchant in the same way, saving his "merchandise"; and a villein shall be amerced in the same way, saving his "waynage" — if they have fallen into our mercy: and none of the aforesaid amercements [7] shall be imposed except by the oath of honest men in the neighborhood.

XXI. Earls and barons shall not be amerced except through their peers, and only in accordance with the degree of the offense.

XXII. A clerk shall not be amerced in respect of his lay holding except after the manner of the others aforesaid: further, he shall

[1] That is, law suits in which the Crown had no special interest.

[2] Dispossession.

[3] Death of the ancestor; that is, in cases of disputed possession to land.

[4] Last presentation to a benefice.

[5] The word "assize" here means an assembly of knights or other substantial persons, held at a certain time and place where they sit with the justiciar.

[6] That by which a person subsists and which is essential to his rank in life.

[7] An amercement was a payment demanded from a wrongdoer, who wished to buy himself back under protection of the law.

not be amerced in accordance with the extent of his ecclesiastical benefice.

XXIII. No village or individual shall be compelled to make bridges at river banks, except those who from of old were legally bound to do so.

XXIV. No sheriff, constable, coroners, or others of our bailiffs shall hold pleas of our Crown.[1]

XXV. All counties, hundreds, wapentakes, and trithings (except our demesne manors) shall remain at the old rents, and without any additional payment.[2]

XXVI. If any one holding of us a lay fief shall die, and our sheriff or bailiff shall exhibit our letters patent of summons for a debt which the deceased owed to us, it shall be lawful for our sheriff or bailiff to attach and catalogue chattels of the deceased, found upon the lay fief, to the value of that debt, at the sight of law-worthy men, provided always that nothing whatever be thence removed until the debt which is evident shall be fully paid to us; and the residue shall be left to the executors to fulfill the will of the deceased; and if there be nothing due from him to us, all the chattels shall go to the deceased, saving to his wife and children their reasonable shares.

XXVII. If any freeman shall die intestate, his chattels shall be distributed by the hands of his nearest kinsfolk and friends, under supervision of the Church, saving to every one the debts which the deceased owed to him.

XXVIII. No constable or other bailiff of ours shall take corn or other provisions from any one without immediately tendering money therefor, unless he can have postponement thereof by permission of the seller.

XXIX. No constable shall compel any knight to give money in lieu of castle-guard, when he is willing to perform it in his own person, or (if he himself cannot do it from any reasonable cause) then by another responsible man. Further, if we have led or sent him upon military service, he shall be relieved from guard in proportion to the time during which he has been on service because of us.

XXX. No sheriff or bailiff of ours, or other person, shall take

[1] These are suits conducted in the name of the Crown against criminals.

[2] Counties or shires in England were subdivided into smaller districts known as hundreds in the south and as wapentakes in the Danish districts of the north. Intermediate divisions called trithings or ridings existed in some of the large counties.

the horses or carts of any freeman for transport duty, against the will of the said freeman.

XXXI. Neither we nor our bailiffs shall take, for our castles or for any other work of ours, wood which is not ours, against the will of the owner of that wood.

XXXII. We will not retain beyond one year and one day the lands of those who have been convicted of felony, and the lands shall thereafter be handed over to the lords of the fiefs.[1]

XXXIII. All kyddels [2] for the future shall be removed altogether from Thames and Medway, and throughout all England, except upon the seashore.

XXXIV. The writ which is called *præcipe* shall not for the future be issued to any one, regarding any tenement whereby a freeman may lose his court.[3]

XXXV. Let there be one measure of wine throughout our whole realm; and one measure of ale; and one measure of corn, to wit, the "London quarter"; and one width of cloth (whether dyed, or russet, or "halberget"), to wit, two ells within the selvedges; of weights also let it be as of measures.

XXXVI. Nothing in future shall be given or taken for a writ of inquisition of life or limbs, but freely it shall be granted, and never denied.[4]

XXXVII. If any one holds of us by fee-farm, by socage, or by burgage, and holds also land of another lord by knight's service, we will not (by reason of that fee-farm, socage, or burgage) have the wardship of the heir, or of such land of his as is of the fief of that other; nor shall we have wardship of that fee-farm, socage, or burgage, unless such fee-farm owes knight's service. We will not by reason of any small serjeanty which any one may hold of us by the service of rendering to us knives, arrows, or the like, have wardship of his heir or of the land which he holds of another lord by knight's service.

XXXVIII. No bailiff for the future shall, upon his own unsupported complaint, put any one to his "law," [5] without credible witnesses brought for this purpose.

[1] Forfeiture for felony was abolished by laws passed in the reign of Queen Victoria.

[2] Fish-weirs.

[3] The effect of the writ *præcipe* was to remove certain cases from the courts of the feudal lords to the king's court.

[4] The writ of inquisition here mentioned has nothing to do with the writ of *habeas corpus*.

[5] Perhaps equivalent to compelling his submission to the ordeal.

XXXIX. No freeman shall be taken or imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land.[1]

XL. To no one will we sell, to no one will we refuse or delay, right or justice.

XLI. All merchants shall have safe and secure exit from England, and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war, they shall be detained, without injury to their bodies or goods, until information be received by us, or by our chief justiciar, how the merchants of our land found in the land at war with us are treated; and if our men are safe there, the others shall be safe in our land.

XLII. It shall be lawful in the future for any one (excepting always those imprisoned or outlawed in accordance with the law of the kingdom, and natives of any country at war with us, and merchants, who shall be treated as is above provided) to leave our kingdom and to return, safe and secure by land and water, except for a short period in time of war, on grounds of public policy — reserving always the allegiance due to us.

XLIII. If any one holding of some escheat [2] (such as the honor of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which are in our hands and are baronies) shall die, his heirs shall give no other relief, and perform no other service to us than he would have done to the baron, if that barony had been in the baron's hand; and we shall hold it in the same manner in which the baron held it.

XLIV. Men who dwell without the forest need not henceforth come before our justiciars of the forest upon a general summons, except those who are impleaded, or who have become sureties for any person or persons attached for forest offenses.

XLV. We will appoint as justices, constables, sheriffs, or bailiffs only such as know the law of the realm and mean to observe it well.

[1] This famous article, requiring judgment of peers, has been often and erroneously identified with trial by jury.

[2] An escheat refers to the return of an estate to a lord, either on failure of tenant's issue or on his committing a felony.

XLVI. All barons who have founded abbeys, concerning which they hold charters from the kings of England, or of which they have long-continued possession, shall have the wardship of them, when vacant, as they ought to have.

XLVII. All forests that have been made such in our time shall forthwith be disafforested; and a similar course shall be followed with regard to river banks that have been placed "in defense" [1] by us in our time.

XLVIII. All evil customs connected with forests and warrens, foresters and warreners, sheriffs and their officers, river banks and their wardens, shall immediately be inquired into in each county by twelve sworn knights of the same county chosen by the honest men of the same county, and shall, within forty days of the said inquest, be utterly abolished, so as never to be restored, provided always that we previously have intimation thereof, or our justiciar, if we should not be in England.

XLIX. We will immediately restore all hostages and charters delivered to us by Englishmen, as sureties of the peace or of faithful service.

L. We will entirely remove from their bailiwicks the relations of Gerard of Athée (so that in the future they shall have no bailiwick in England); namely, Engelard of Cigogné, Peter, Guy, and Andrew of Chanceaux, Guy of Cigogné, Geoffrey of Martigny with his brothers, Philip Mark with his brothers and his nephew Geoffrey, and the whole brood of the same.[2]

LI. As soon as peace is restored, we will banish from the kingdom all foreign-born knights, crossbowmen, serjeants, and mercenary soldiers, who have come with horses and arms to the kingdom's hurt.

LII. If any one has been dispossessed or removed by us, without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five-and-twenty barons of whom mention is made below in the clause for securing the peace.[3] Moreover, for all those possessions, from which any one has, without the lawful judgment of his peers, been disseised or removed, by our father, King Henry, or by our brother, King Richard,

[1] That is, reserved for the king's exclusive use when engaged in falconry.

[2] These French adherents of King John were especially abnoxious to the barons and feared by them.

[3] Article LXI.

and which we retain in our hand (or which are possessed by others, to whom we are bound to warrant them) we shall have respite until the usual term of crusaders; excepting those things about which a plea has been raised, or an inquest made by our order, before our taking of the cross; but as soon as we return from our expedition (or if perchance we desist from the expedition), we will immediately grant full justice therein.

LIII. We shall have, moreover, the same respite and in the same manner in rendering justice concerning the disafforestation or retention of those forests which Henry our father and Richard our brother afforested, and concerning the wardship of lands which are of the fief of another (namely, such wardships as we have hitherto had by reason of a fief which any one held of us by knight's service), and concerning abbeys founded on other fiefs than our own, in which the lord of the fief claims to have right; and when we have returned, or if we desist from our expedition, we will immediately grant full justice to all who complain of such things.

LIV. No one shall be arrested or imprisoned upon the appeal[1] of a woman, for the death of any other than her husband.

LV. All fines made with us unjustly and against the law of the land, and all amercements imposed unjustly and against the law of the land, shall be entirely remitted, or else it shall be done concerning them according to the decision of the five-and-twenty barons of whom mention is made below in the clause for securing the peace, or according to the judgment of the majority of the same, along with the aforesaid Stephen, archbishop of Canterbury, if he can be present, and such others as he may wish to bring with him for this purpose, and if he cannot be present the business shall nevertheless proceed without him, provided always that if any one or more of the aforesaid five-and-twenty barons are in a similar suit, they shall be removed as far as concerns this particular judgment, others being substituted in their places after having been selected by the rest of the same five-and-twenty for this purpose only, and after having been sworn.

LVI. If we have disseised or removed Welshmen from lands or liberties, or other things, without the legal judgment of their peers in England or in Wales, they shall be immediately restored to them; and if a dispute arise over this, then let it be decided in the marches by the judgment of their peers; for tenements in England according

[1] An "appeal" here signifies an accusation followed by a judicial duel between the appellant and appellee.

to the law of England, for tenements in Wales, according to the law of Wales, and for tenements in the march according to the law of the marches. Welshmen shall do the same to us and ours.

LVII. Further, for all those possessions from which any Welshman has, without the lawful judgment of his peers, been disseised or removed by King Henry our father, or King Richard our brother, and which we retain in our hand (or which are possessed by others, to whom we are bound to warrant them) we shall have respite until the usual term of crusaders; excepting those things about which a plea has been raised or an inquest made by our order before we took the cross; but as soon as we return (or if perchance we desist from our expedition), we will immediately grant full justice in accordance with the laws of the Welsh and in relation to the aforesaid regions.

LVIII. We will immediately give up the son of Llywelyn and all the hostages of Wales, and the charters delivered to us as security for the peace.

LIX. We will do toward Alexander, king of Scots, concerning the return of his sisters and his hostages, and concerning his franchises, and his right, in the same manner as we shall do toward our other barons of England, unless it ought to be otherwise according to the charters which we hold from William his father, formerly king of Scots; and this shall be according to the judgment of his peers in our court.

LX. Moreover, all these aforesaid customs and liberties, the observance of which we have granted in our kingdom as far as pertains to us toward our men, shall be observed by all of our kingdom, as well clergy as laymen, as far as pertains to them toward their men.

LXI. Since, moreover, for God and the amendment of our kingdom and for the better allaying of the quarrel that has arisen between us and our barons, we have granted all these concessions, desirous that they should enjoy them in complete and firm endurance forever, we give and grant to them the under-written security, namely, that the barons choose five-and-twenty barons of the kingdom, whomsoever they will, who shall be bound with all their might to observe and hold, and cause to be observed, the peace and liberties we have granted and confirmed to them by this our present charter, so that if we, or our justiciar, or our bailiffs, or any one of our officers, shall in anything be at fault toward any one, or shall have broken any one of the articles of the peace or of this security, and the offense be notified to four barons of the aforesaid five-and-twenty, the said four

barons shall repair to us (or our justiciar, if we are out of the realm) and, laying the transgression before us, petition to have that transgression redressed without delay. And if we shall not have corrected the transgression (or, in the event of our being out of the realm, if our justiciar shall not have corrected it) within forty days, reckoning from the time it has been intimated to us (or to our justiciar, if we should be out of the realm), the four barons aforesaid shall refer that matter to the rest of the five-and-twenty barons, and those five-and-twenty barons shall, together with the community of the whole land, distrain and distress us in all possible ways, namely, by seizing our castles, lands, possessions, and in any other way they can, until redress has been obtained as they deem fit, saving harmless our own person, and the persons of our queen and children; and when redress has been obtained, they shall resume their old relations toward us. And let whoever in the country desires it swear to obey the orders of the said five-and-twenty barons for the execution of all the aforesaid matters, and along with them, to molest us to the utmost of his power; and we publicly and freely grant leave to every one who wishes to swear, and we shall never forbid any one to swear. All those, moreover, in the land who of themselves and of their own accord are unwilling to swear to the twenty-five to help them in constraining and molesting us, we shall by our command compel the same to swear to the effect aforesaid. And if any one of the five-and-twenty barons shall have died or departed from the land, or be incapacitated in any other manner which would prevent the aforesaid provisions being carried out, those of the said twenty-five barons who are left shall choose another in his place according to their own judgment, and he shall be sworn in the same way as the others. Further, in all matters, the execution of which is intrusted to these twenty-five barons, if perchance these twenty-five are present and disagree about anything, or if some of them, after being summoned, are unwilling or unable to be present, that which the majority of those present ordain or command shall be held as fixed and established, exactly as if the whole twenty-five had concurred in this; and the said twenty-five shall swear that they will faithfully observe all that is aforesaid, and cause it to be observed with all their might. And we shall procure nothing from any one, directly or indirectly, whereby any part of these concessions and liberties might be revoked or diminished; and if any such thing has been procured, let it be void and null, and we shall never use it personally or by another.

LXII. And all the ill-will, hatreds, and bitterness that have arisen between us and our men, clergy and lay, from the date of the quarrel, we have completely remitted and pardoned to every one. Moreover, all trespasses occasioned by the said quarrel, from Easter in the sixteenth year of our reign till the restoration of peace, we have fully remitted to all, both clergy and laymen, and completely forgiven, as far as pertains to us. And, on this head, we have caused to be made for them letters testimonial patent of the lord Stephen, archbishop of Canterbury, of the lord Henry, archbishop of Dublin, of the bishops aforesaid, and of Master Pandulf as touching this security and the concessions aforesaid.

LXIII. Wherefore it is our will, and we firmly enjoin, that the English Church be free, and that the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely and quietly, fully and wholly, for themselves and their heirs, of us and our heirs, in all respect and in all places forever, as is aforesaid. An oath, moreover, has been taken, as well on our part as on the part of the barons, that all these conditions aforesaid shall be kept in good faith and without evil intent. Given under our hand — the above-named and many others being witnesses — in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.

2. CONFIRMATION OF THE CHARTERS, 1297 [1]

Not less than thirty-eight distinct confirmations of the Great Charter, by sovereigns subsequent to John, are recorded. The most important is the Confirmatio Cartarum of Edward I, in 1297. Though in form a charter, it was really a statute, passed by a Parliament representing nobles, clergy, and commons, and ratified by the king. By Article VI Edward I recognized the principle that no new or extraordinary taxes should be levied without the consent of Parliament. This article was often referred to in later times, especially by the parliamentary leaders who resisted the encroachments of the Stuarts.

Confirmation of the Charters, 1297

I. Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to all those that these present letters shall hear or see, greeting. Know ye that we to the honor of God and of holy Church, and to the profit of all our realm, have granted for us and our heirs that the Great Charter of Liberties and the Charter of the Forest, which were made by common assent of all the realm, in the time of King Henry our father, shall be kept in every point without breach.[2] And we will that these same charters shall be sent under our seal to our justices, both to those of the forest and to the rest, and to all sheriffs of shires, and to all our other officers, and to all our cities throughout the realm, together with our writs in the which it shall be contained, that they cause the aforesaid charters to be published and have it declared to the people that we have granted that they shall be observed in all points, and that our justices, sheriffs, mayors, and other officials, which under us have to administer the laws of our land, shall allow the said charters in pleas before them and

[1] William Stubbs, *Select Charters and Other Illustrations of English Constitutional History*, pp. 492–493. Ninth Edition by H. W. C. Davis. Oxford, 1913. Clarendon Press.

[2] Henry III had granted a Charter of Liberties, embodying many of the provisions of Magna Carta, and also a separate charter dealing with the forests.

in judgments in all their points; that is to wit, the Great Charter as the common law and the Charter of the Forest according to the Assize of the Forest, for the relief of our people.

II. And we will that if any judgment be given from henceforth, contrary to the points of the charters aforesaid, by the justices or by any other of our ministers that hold plea before them against the points of the charters, it shall be undone and holden for nought.

III. And we will that the same charters shall be sent under our seal to cathedral churches throughout our realm, and there remain, and shall be read before the people twice in the year.

IV. And that archbishops and bishops shall pronounce sentences of greater excommunication against all those that by word, deed, or counsel shall go against the aforesaid charters, or that in any point break or go against them. And that the said curses be twice a year denounced and published by the prelates aforesaid. And if the same prelates or any of them be remiss in the denunciation of the said sentences, the archbishops of Canterbury and York for the time being, as is fitting, shall reprove them and constrain them to make that denunciation in form aforesaid.

V. And for so much as divers people of our realm are in fear that the aids and mises which they have given to us beforetime toward our wars and other businesses, of their own grant and good-will, howsoever they were made, might turn to a bondage to them and their heirs, because they might be at another time found in the rolls, and so likewise the prises taken throughout the realm by our ministers in our name; we have granted for us and our heirs that we shall never draw such aids, mises, nor prises into a custom for anything that has been done heretofore or that may be found by roll or in any other manner.

VI. Moreover we have granted for us and our heirs, as well to archbishops, bishops, abbots, priors, and other folk of holy Church, as also to earls, barons, and to all the community of the land, that for no business from henceforth will we take such manner of aids, mises, nor prises from our realm, but by the common assent of all the realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed.

VII. And for so much as the more part of the community of the realm find themselves sore grieved with the maletote on wools, that is to wit, a toll of forty shillings for every sack of wool, and have made petition to us to release the same; we, at their requests, have fully

released it, and have granted that we shall never take this nor any other without their common assent and good-will; saving to us and our heirs the custom of wools, skins, and leather granted before by the community aforesaid. In witness of which things we have caused to be made these our letters patent. Given at Ghent the fifth day of November in the twenty-fifth year of our realm.

3. MAYFLOWER COMPACT, 1620[1]

THE patent for colonization which the Pilgrims obtained from the London Company held good only within the limits of Virginia. Finding themselves outside that territory, the Pilgrims had to provide for the organization of their colony in the absence of a patent. On November 11, 1620, while the *Mayflower* was lying off Cape Cod, the adult men of the company gathered in the cabin of the vessel and signed the brief document given below. The names of the forty-one signers are not mentioned by Governor Bradford, who wrote the history of the settlement of Plymouth.

MAYFLOWER COMPACT, 1620

In the Name of God, Amen

We, whose names are underwritten, the loyal subjects of our dread sovereign lord, King James, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, etc., having undertaken, for the glory of God and advancement of the Christian faith and honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do, by these presents, solemnly and mutually, in the presence of God and one of another, covenant and combine ourselves together into a civil body politic, for our better ordering and preservation and furtherance of the ends aforesaid; and, by virtue hereof, to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony, unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names, at Cape Cod, the 11th of November, in the year of the reign of our sovereign lord, King James of England, France, and Ireland the eighteenth, and of Scotland the fifty-fourth. Anno Domini, 1620.

[1] William Bradford, *History of Plymouth Plantation*, pp. 89–90. Edited by Charles Deane. Boston, 1856 (Massachusetts Historical Collections, Fourth Series, vol. iii).

4. PETITION OF RIGHT, 1628 [1]

CHARLES I, almost immediately upon succeeding to the throne, began to quarrel with his subjects. He twice dissolved Parliament, levied forced loans, arbitrarily imprisoned those who refused to make such loans, and otherwise played the tyrant. When Charles's third Parliament met in 1628, it immediately began the consideration of these grievances. The king attempted to satisfy his opponents by a simple confirmation of the Great Charter, such as had often been issued, and often disregarded, by former monarchs. Parliament refused to be cajoled, however, and under the leadership of Sir Edward Coke passed the Petition of Right. The king ratified it, much against his will, in order to obtain a grant of money from the legislature. This statute, which has the form of a petition, was the first important restriction of the powers of the Crown since the accession of the Tudor dynasty.

PETITION OF RIGHT, 1628

. . . *To the King's most excellent Majesty*

I. Humbly show unto our sovereign lord, the king, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that, whereas it is declared and enacted by a statute made in the time of the reign of King Edward I, commonly called *Statutum de Tallagio non Concedendo*,[2] that no tallage or aid shall be laid or levied by the king or his heirs in this realm, without the good-will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonalty of this realm; and by authority of [the] Parliament held in the five-and-twentieth year of the reign of King Edward III,[3] it is declared and enacted that from thenceforth no

[1] *Statutes of the Realm*, v, 24–25 (3 Charles I, c. 1).

[2] This supposed statute is not found, however, in any authoritative record. It was probably a preliminary draft of the baronial demands granted in the Confirmation of the Charters by Edward I in 1297.

[3] This statute, also, does not appear upon the statute books.

person should be compelled to make any loans to the king against his will, because such loans were against reason and the franchise of the land; and by other laws of this realm it is provided that none should be charged by any charge or imposition called a benevolence, nor by such like charge; by which statutes before mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in parliament.

II. Yet nevertheless of late divers commissions directed to sundry commissions in several counties, with instructions, have issued, by means whereof your people have been in divers places assembled and required to lend certain sums of money unto your Majesty, and many of them upon their refusal so to do have had an oath of administered to them, not warrantable by the laws or statutes of this realm, and have been constrained to become bound and make appearance and give utterance before your Privy Council and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted; and divers other charges have been laid and levied upon your people in several countries, by lord lieutenants, deputy lieutenants, commissioners for musters, justices of [the] peace, and others, by command or direction from your Majesty, or your Privy Council, against the laws and free customs of the realm.

III. And whereas also by the statute called "The Great Charter of the liberties of England" it is declared and enacted that no freeman may be taken or imprisoned, or be disseised of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers or by the law of the land.

IV. And in the eighth-and-twentieth year of the reign of King Edward III, it was declared and enacted by authority of Parliament that no man, of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of law.

V. Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause showed. And when for their deliverance they were brought before

your justices, by your Majesty's writs of *habeas corpus*, there to undergo and receive as the court should order, and their keepers commanded to certify the cause of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the lords of your Privy Council, and yet were returned back to several prisons, without being charged with anything to which they might make answer according to the law.

VI. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants, against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourn against the laws and customs of this realm, and to the great grievance and vexation of the people.

VII. And whereas, also, by authority of Parliament in the five-and-twentieth year of King Edward III it is declared and enacted that no man shall be forejudged of life or limb against the form of the Great Charter and the law of the land, and by the said Great Charter and other the laws and statutes of this your realm no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the said realm or by acts of Parliament. And whereas no offender of what kind soever is exempted from the proceedings to be used and punishments to be inflicted by the laws and statutes of this your realm: nevertheless of late time divers commissions under your Majesty's Great Seal have issued forth, by which certain persons have been assigned and appointed commissioners with power and authority to proceed within the land, according to the justice of martial law, against such soldiers or mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial.

VIII. By pretext whereof some of your Majesty's subjects have been by the said commissioners put to death, when and where, if by the laws and statutes of the realm they had deserved death, by the same laws and statutes also they might, and by no other ought to have been, judged and executed.

IX. And also sundry grievous offenders, by color thereof claiming an exemption, have escaped the punishments due to them by the laws

and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forborne to proceed against such offenders, according to the same law and statutes, upon pretense that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid; which commissions and all other of like nature are wholly and directly contrary to the said laws and statutes of this your realm.

X. They do therefore humbly pray your most excellent Majesty that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of Parliament. And that none be called to make answer, or to take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same or for refusal thereof. And that no freeman, in any such manner as is before mentioned, be imprisoned or detained. And that your Majesty would be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come. And that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled. And that hereafter no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by color of them any of your Majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land.

XI. All which they most humbly pray of your most excellent Majesty as their rights and liberties, according to the laws and statutes of this realm; and that your Majesty would also vouchsafe to declare that the awards, doings, and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example; and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure that in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honor of your Majesty and the prosperity of this kingdom.

5. NEW ENGLAND CONFEDERATION, 1643 [1]

The precarious position of the New England colonies, exposed to attack by the Indians, the Dutch, and the French, together with the apprehension of possible danger from the mother country, then in the throes of civil war, brought about the loose and temporary confederation described below. It was established by commissioners of the several colonies, who met at Boston in May, 1643. As explained in the last article, the Plymouth representatives did not ratify the document until the following September. Neither the Rhode Island settlements nor those in Maine were ever included in the confederation. Though dissolved in 1684, the confederation proved to be of great service to the colonies in their dealings with their common enemies, and it furnished a precedent for colonial union in the eighteenth century.

New England Confederation, 1643

Articles of Confederation betwixt the Plantations under the Government of the Massachusetts, the Plantations under the Government of Plymouth, the Plantations under the Government of Connecticut, and the Government of New Haven, with the Plantations in Combination therewith

Whereas, we all came into these parts of America, with one and the same end and aim, namely, to advance the kingdom of our Lord Jesus Christ, and to enjoy the liberties of the Gospel in purity with peace; and whereas in our settling (by a wise providence of God) we are further dispersed upon the seacoasts and rivers than was at first intended, so that we cannot (according to our desire) with convenience communicate in one government and jurisdiction; and whereas we live encompassed with people of several nations and strange languages, which hereafter may prove injurious to us and our

[1] *Records of the Colony or Jurisdiction of New Haven, 1653–1664*, pp. 562–566. Edited by C. J. Hoadly. Hartford, 1858.

posterity. And, forasmuch as the natives have formerly committed sundry insolences and outrages upon several plantations of the English and have of late combined against us. And, seeing by reason of the sad distractions in England,[1] which they have heard of, and by which they know we are hindered both from that humble way of seeking advice and reaping those comfortable fruits of protection which, at other times, we might well expect; we therefore do conceive it our bounden duty, without delay, to enter into a present consociation amongst ourselves, for mutual help and strength in all our future concernments, that, as in nation and religion, so in other respects, we be and continue one, according to the tenor and true meaning of the ensuing articles.

I. Wherefore, it is fully agreed and concluded by and between the parties or jurisdictions above named, and they do jointly and severally by these presents agree and conclude, that they all be, and henceforth be called by the name of the United Colonies of New England.

II. The said United Colonies for themselves and their posterities do jointly and severally hereby enter into a firm and perpetual league of friendship and amity, for offense and defense, mutual advice and succor, upon all just occasions, both for preserving and propagating the truth and liberties of the Gospel, and for their own mutual safety and welfare.

III. It is further agreed that the plantations which at present are, or hereafter shall be settled within the limits of the Massachusetts, shall be forever under the government of the Massachusetts. And shall have peculiar jurisdiction amongst themselves, as an entire body, and that Plymouth, Connecticut, and New Haven shall each of them, in all respects, have the like peculiar jurisdiction and government within their limits. And in reference to the plantations which already are settled, or shall hereafter be erected and shall settle within any of their limits, respectively, provided that no other jurisdiction shall hereafter be taken in, as a distinct head or member of this confederation, nor shall any other either plantation, or jurisdiction in present being, and not already in combination, or under the jurisdiction of any of these confederates, be received by any of them, nor shall any two of these confederates join in one jurisdiction, without consent of the rest, which consent to be interpreted as in the sixth ensuing article is expressed.

[1] The Great Rebellion, which broke out in 1642

IV. It is also by these confederates agreed that the charge of all just wars, whether offensive or defensive, upon what part or member of this confederation soever they fall, shall both in men, provisions, and all other disbursements, be borne by all the parts of this confederation in different proportions, according to their different abilities, in manner following, namely, that the commissioners for each jurisdiction, from time to time, as there shall be occasion, bring a true account and number of all the males in each plantation or anyway belonging to, or under their several jurisdictions, of what quality or condition soever they be, from sixteen years old to threescore, being inhabitants there. And that according to the different numbers, which from time to time shall be found in each jurisdiction, upon a true and just account, the service of men and all charges of the war be borne by the poll: each jurisdiction or plantation being left to their own just course and custom of rating themselves and people, according to their different estates, with due respect to their qualities and exemptions among themselves, though the confederation take no notice of any such privilege. And that, according to the different charge of each jurisdiction and plantation, the whole advantage of the war (if it please God so to bless their endeavors) whether it be in lands, goods, or persons, shall be proportionably divided among the said confederates.

V. It is further agreed that if any of these jurisdictions, or any plantation under or in combination with them, be invaded by any enemy whomsoever, upon notice and request of any three magistrates of that jurisdiction so invaded, the rest of the confederates, without any further meeting or expostulation, shall forthwith send aid to the confederate in danger, but in different proportion, namely, the Massachusetts one hundred men sufficiently armed and provided for such a service and journey, and each of the rest five-and-forty men, so armed and provided, or any less number, if less be required, according to this proportion. But if such a confederate may be supplied by their next confederate, not exceeding the number hereby agreed, they may crave help there and seek no further for the present. The charge to be borne, as in this article is expressed. And at their return to be victualed, and supplied with powder and shot (if there be need), for their journey, by that jurisdiction which employed or sent for them. But none of the jurisdictions to exceed these numbers, till by a meeting of the commissioners for this confederation a greater aid appear necessary. And this proportion to continue, till upon

knowledge of the numbers in each jurisdiction, which shall be brought to the next meeting, some other proportion be ordered. But in any such case of sending men for present aid, whether before or after such order or alteration, it is agreed that at the meeting of the commissioners for this confederation, the cause of such war or invasion be duly considered, and if it appear that the fault lay in the party so invaded, that then that jurisdiction or plantation make just satisfaction, both to the invaders, whom they have injured, and bear all the charges of the war themselves, without requiring any allowance from the rest of the confederates toward the same.

And further, if any jurisdiction see any danger of an invasion approaching, and there be time for a meeting, that in such case three magistrates of that jurisdiction may summon a meeting, at such convenient place as themselves shall think meet, to consider and provide against the threatened danger. Provided, when they are met, they may remove to what place they please, only, while any of these four confederates have but three magistrates in their jurisdiction, a request or summons, from any two of them, shall be accounted of equal force with the three mentioned in both the clauses of this article, till there be an increase of magistrates there.

VI. It is also agreed that for the managing and concluding of all affairs proper to, and concerning the whole confederation, two commissioners shall be chosen by, and out of the four jurisdictions, namely, two for the Massachusetts, two for Plymouth, two for Connecticut, and two for New Haven, being all in Church fellowship with us, which shall bring full power from their several general courts, respectively, to hear, examine, weigh, and determine all affairs of war or peace, leagues, aids, charges, and numbers of men for war, division of spoils, or whatsoever is gotten by conquest, receiving of more confederates or plantations into combination with any of these confederates, and all things of like nature, which are the proper concomitants or consequences of such a confederation for amity, offense, and defense, not intermeddling with the government of any of the jurisdictions, which by the third article is preserved entirely to themselves. But if these eight commissioners, when they meet, shall not all agree, yet it is concluded that any six of the eight agreeing shall have power to settle and determine the business in question. But if six do not agree, that then such propositions, with their reasons, so far as they have been debated, be sent and referred to the four general courts, viz, the Massachusetts, Plymouth, Connecticut, and New

Haven. And if at all the said general courts the business so referred be concluded, then to be prosecuted by the confederates and all their members. It is further agreed that these eight commissioners shall meet once every year, besides extraordinary meetings, according to the fifth article, to consider, treat, and conclude of all affairs belonging to this confederation, which meeting shall ever be the first Thursday in September. And that the next meeting after the date of these presents, which shall be accounted the second meeting, shall be at Boston in the Massachusetts, the third at Hartford, the fourth at New Haven, the fifth at Plymouth, the sixth and seventh at Boston; and then Hartford, New Haven, and Plymouth, and so in course successively, if in the meantime some middle place be not found out and agreed on, which may be commodious for all the jurisdictions.

VII. It is further agreed that at each meeting of these eight commissioners, whether ordinary or extraordinary, they all or any six of them agreeing as before, may choose their president out of themselves, whose office and work shall be to take care and direct for order, and a comely carrying on of all proceedings in the present meeting. But he shall be invested with no such power or respect, as by which he shall hinder the propounding or progress of any business, or any way cast the scales, otherwise than in the precedent article is agreed.

VIII. It is also agreed that the commissioners for this confederation hereafter at their meetings, whether ordinary or extraordinary, as they may have commission or opportunity, do endeavor to frame and establish agreements and orders in general cases of a civil nature, wherein all the plantations are interested, for preserving peace amongst themselves and preventing (as much as may be) all occasions of war or differences with others, as about the free and speedy passage of justice in each jurisdiction to all the confederates equally as to their own, receiving those that remove from one plantation to another without due certificates, how all the jurisdictions may carry it toward the Indians, that they neither grow insolent nor be injured without due satisfaction, lest war break in upon the confederates through such miscarriages. It is also agreed that if any servant run away from his master into any other of these confederated jurisdictions, that in such case, upon the certificate of one magistrate in the jurisdiction, out of which the said servant fled, or upon other due proof, the said servant shall be delivered either to his master or any other that pursues and brings such certificate or proof. And that upon the escape of any prisoner whatsoever, or fugitive, for any criminal

cause, whether breaking prison, or getting from the officer, or otherwise escaping, upon the certificate of two magistrates of the jurisdiction out of which the escape is made, that he was a prisoner or such an offender at the time of the escape, the magistrates, or some of them, of that jurisdiction where for the present the said prisoner or fugitive abides, shall forthwith grant such a warrant, as the case will bear, for the apprehending of any such person and the delivery of him into the hand of the officer or other person who pursues him. And if help be required for the safe returning of any such offender, it shall be granted unto him that craves the same, he paying the charges thereof.

IX. And for that the justest wars may be of dangerous consequence, especially to the smaller plantations in these United Colonies, it is agreed that neither the Massachusetts, Plymouth, Connecticut, nor New Haven, nor any of the members of any of them, shall at any time hereafter begin, undertake, or engage themselves, or this confederation, or any part thereof in any war whatsoever (sudden exigencies with the necessary consequences thereof excepted, which are also to be moderated, as much as the case will permit) without the consent and agreement of the forenamed eight commissioners, or at least six of them, as in the sixth article is provided. And that no charge be required of any of the confederates, in case of a defensive war, till the said commissioners have met and approved the justice of the war, and have agreed upon the sum of money to be levied; which sum is then to be paid by the several confederates, in proportion, according to the fourth article.

X. That in extraordinary occasions, when meetings are summoned by three magistrates of any jurisdiction, or two as in the fifth article, if any of the commissioners come not, due warning being given or sent, it is agreed that four of the commissioners shall have power to direct a war which cannot be delayed, and to send for due proportions of men out of each jurisdiction, as well as six might do, if all met; but not less than six shall determine the justice of the war, or allow the demands or bills of charges, or cause any levies to be made for the same.

XI. It is further agreed that if any of the confederates shall hereafter break any of these present articles, or be any other way injurious to any one of the other jurisdictions, such breach of agreement or injury shall be duly considered and ordered by the commissioners for the other jurisdictions, that both peace and this present confederation may be entirely preserved without violation.

Lastly, this perpetual confederation, and the several articles and agreements thereof, being read and seriously considered, both by the General Court for the Massachusetts, and by the commissioners for Plymouth, Connecticut, and New Haven, were presently and fully allowed and confirmed by three of the forenamed confederates, namely, the Massachusetts, Connecticut, and New Haven; in testimony whereof, the General Court of the Massachusetts by their secretary, and the commissioners for Connecticut and New Haven subscribed them the 19th day of the third month, commonly called May, Anno Domini, 1643.

Only the commissioners from Plymouth, having brought no commission to conclude, desired respite to advise with their General Court, which was granted, and at the second meeting of the commissioners for the confederation, held at Boston in September following, the commissioners for the jurisdiction of Plymouth delivered in an order of their General Court, dated the 20th [day] of August, 1643, by which it appeared that these Articles of Confederation were read, approved, and confirmed by the said court and all their townships, and their commissioners authorized to ratify them by their subscriptions, which they accordingly did, the 7th day of September, 1643.

6. INSTRUMENT OF GOVERNMENT, 1653 [1]

This document was drawn up by some of Cromwell's army officers, and with his sanction, to provide a constitutional framework for the Protectorate. Under it Cromwell served as Lord Protector for life, but his authority was to be limited by Parliament and a Council of State, and his acts could be reviewed by the courts. The members of the first Parliament of the Protectorate, meeting in 1654, refused to accept the Instrument and insisted upon their right to prepare a constitution. In spite of this rebuff, Cromwell for some time tried to rule in accordance with the Instrument, until the growing difficulties of his position led him to adopt a more arbitrary policy. The document is notable as the only written constitution which Great Britain has ever had in actual operation. It is also of extreme interest as the first example of a constitution which attempts to mark off strictly the powers of the legislative and executive departments. In this respect the Instrument may be regarded as the forerunner of our own and all later constitutions. Articles I–VIII, XXII–XXIV, XXVII, XXXII, XXXIII, XXXV, XXXVI, and XLI–XLII contain the most essential provisions.

Instrument of Government, 1653

The Government of the Commonwealth of England, Scotland, and Ireland, and the Dominions thereunto belonging

I. That the supreme legislative authority of the Commonwealth of England, Scotland, and Ireland, and the dominions thereunto belonging, shall be and reside in one person, and the people assembled in Parliament: the style of which person shall be the Lord Protector of the Commonwealth of England, Scotland, and Ireland.

II. That the exercise of the chief magistracy and the administration of the government over the said countries and dominions,

[1] *Cobbett's Parliamentary History of England*, vol. iii, pp. 1417–1426. London, 1806–1820.

and the people thereof, shall be in the Lord Protector, assisted with a council, the number whereof shall not exceed twenty-one nor be less than thirteen.

III. That all writs, processes, commissions, patents, grants, and other things, which now run in the name and style of the "Keepers of the Liberty of England by Authority of Parliament," shall run in the name and style of the Lord Protector, from whom, for the future, shall be derived all magistracy and honors in these three nations; and have the power of pardons (except in case of murders and treason) and benefit of all forfeitures for the public use; and shall govern the said countries and dominions in all things by the advice of the council, and according to these presents and the laws.

IV. That the Lord Protector, the Parliament sitting, shall dispose and order the militia and forces, both by sea and land, for the peace and good of the three nations, by consent of Parliament; and that the Lord Protector, with the advice and consent of the major part of the council, shall dispose and order the militia for the ends aforesaid in the intervals of Parliament.

V. That the Lord Protector, by the advice aforesaid, shall direct in all things concerning the keeping and holding of a good correspondency with foreign kings, princes, and states; and also, with the consent of the major part of the council, have the power of war and peace.

VI. That the laws shall not be altered, suspended, abrogated, or repealed, nor any new law made, nor any tax, charge, or imposition laid upon the people, but by common consent in Parliament, save only as is expressed in the thirtieth article.

VII. That there shall be a Parliament summoned to meet at Westminster upon the third day of September, 1654, and that successively a Parliament shall be summoned once in every third year, to be accounted from the dissolution of the present Parliament.

VIII. That neither the Parliament to be next summoned, nor any successive Parliaments, shall, during the time of five months, to be accounted from the day of their first meeting, be adjourned, prorogued, or dissolved, without their own consent.

IX. That as well the next as all other successive Parliaments shall be summoned and elected in manner hereafter expressed; that is to say, the persons to be chosen within England, Wales, the isles of Jersey [and] Guernsey, and the town of Berwick-upon-Tweed, to sit and serve in Parliament, shall be, and not exceed, the number of

four hundred. The persons to be chosen within Scotland, to sit and serve in Parliament, shall be, and not exceed, the number of thirty; and the persons to be chosen to sit in Parliament for Ireland shall be, and not exceed, the number of thirty.

X. That the persons to be elected to sit in Parliament from time to time, for the several counties of England, Wales, the isles of Jersey and Guernsey, and the town of Berwick-upon-Tweed, and all places within the same respectively, shall be according to the proportions and numbers hereafter expressed; that is to say.[1] . . .

The distribution of the persons to be chosen for Scotland and Ireland, and the several counties, cities, and places therein, shall be according to such proportions and number as shall be agreed upon and declared by the Lord Protector and the major part of the council, before the sending forth writs of summons for the next Parliament.

XI. That the summons to Parliament shall be by writ under the Great Seal of England, directed to the sheriffs of the several and respective counties, with such alteration as may suit with the present government, to be made by the Lord Protector and his council, which the Chancellor, Keeper, or Commissioners of the Great Seal shall seal, issue, and send abroad by warrant from the Lord Protector. If the Lord Protector shall not give warrant for issuing of writs of summons for the next Parliament, before the first of June, 1654, or for the triennial Parliaments, before the first day of August in every third year, to be accounted as aforesaid; that then the Chancellor, Keeper, or Commissioners of the Great Seal for the time being, shall, without any warrant or direction, within seven days after the said first day of June, 1654, seal, issue, and send abroad writs of summons, (changing therein what is to be changed as aforesaid) to the several and respective sheriffs of England, Scotland, and Ireland, for summoning the Parliament to meet at Westminster, the third day of September next; and shall likewise, within seven days after the said first day of August, in every third year, to be accounted from the dissolution of the precedent Parliament, seal, issue, and send forth abroad several writs of summons (changing therein what is to be changed) as aforesaid, for summoning the Parliament to meet at Westminster the sixth of November in that third year. That the said several and respective sheriffs shall, within ten days after the receipt of such writ as aforesaid, cause the same to be proclaimed and published in every market town within his county upon the market

[1] Here follows the apportionment.

days thereof, between twelve and three of the clock; and shall then also publish and declare the certain day of the week and month for choosing members to serve in Parliament for the body of the said county, according to the tenor of the said writ, which shall be upon Wednesday five weeks after the date of the writ; and shall likewise declare the place where the election shall be made: for which purpose he shall appoint the most convenient place of the whole county to meet in; and shall send precepts for elections to be made in all and every city, town, borough, or place within his county where elections are to be made by virtue of these presents, to the mayor, sheriff, or other head officer of such city, town, borough, or place, within three days after the receipt of such writ and writs; which the said mayors, sheriffs, and officers respectively are to make publication of, and of the certain day for such elections to be made in the said city, town, or place aforesaid, and to cause elections to be made accordingly.

XII. That at the day and place of elections the sheriff of each county, and the said mayors, sheriffs, bailiffs, and other head officers, within their cities, towns, boroughs, and places respectively, shall take view of the said elections, and shall make return into the chancery, within twenty days after the said elections, of the persons elected by the greater number of electors, under their hands and seals, between him on the one part and the electors on the other part; wherein shall be contained, that the persons elected shall not have power to alter the government as it is hereby settled in one single person and a Parliament.

XIII. That the sheriff, who shall wittingly and willingly make any false return, or neglect his duty, shall incur the penalty of two thousand marks of lawful English money; the one moiety to the Lord Protector, and the other moiety to such person as will sue for the same.

XIV. That all and every person and persons, who have aided, advised, assisted, or abetted in any war against the Parliament, since the first day of January, 1641 (unless they have been since in the service of the Parliament and given signal testimony of their good affection thereunto), shall be disabled and incapable to be elected, or to give any vote in the election of any members to serve in the next Parliament, or in the three succeeding triennial Parliaments.

XV. That all such, who have advised, assisted, or abetted the rebellion of Ireland, shall be disabled and incapable forever to be elected, or give any vote in the election of any member to serve in

Parliament; as also all such who do or shall profess the Roman Catholic religion.

XVI. That all votes and elections given or made contrary, or not according to these qualifications, shall be null and void; and if any person, who is hereby made incapable, shall give his vote for election of members to serve in Parliament, such person shall lose and forfeit one full year's value of his real estate, and one full third part of his personal estate; one moiety thereof to the Lord Protector, and the other moiety to him or them who shall sue for the same.

XVII. That the persons who shall be elected to serve in Parliament shall be such (and no other than such) as are persons of known integrity, fearing God, and of good conversation, and being of the age of twenty-one years.

XVIII. That all and every person and persons seised or possessed, to his own use, of any estate, real or personal, to the value of two hundred pounds, and not within the aforesaid exceptions, shall be capable to elect members to serve in Parliament for counties.

XIX. That the Chancellor, Keeper, or Commissioners of the Great Seal shall be sworn, before they enter into their offices, truly and faithfully to issue forth and send abroad writs of summons to Parliament, at the times and in the manner before expressed: and in case of neglect or failure to issue and send abroad writs accordingly, he or they shall for every such offense be guilty of high treason and suffer the pains and penalties thereof.

XX. That in case writs be not issued out, as is before expressed, but that there be a neglect therein, fifteen days after the time wherein the same ought to be issued out by the Chancellor, Keeper, or Commissioners of the Great Seal; that then the Parliament shall, as often as such failure shall happen, assemble and be held at Westminster, in the usual place, at the times prefixed, in manner and by the means hereafter expressed; that is to say, that the sheriffs of the several and respective counties, sheriffdoms, cities, boroughs, and places aforesaid within England, Wales, Scotland, and Ireland, the Chancellor, masters, and scholars of the universities of Oxford and Cambridge, and the mayor and bailiffs of the borough of Berwick-upon-Tweed, and other places aforesaid respectively, shall at the several courts and places to be appointed as aforesaid, within thirty days after the said fifteen days, cause such members to be chosen for their said several and respective counties, sheriffdoms, universities, cities, boroughs, and places aforesaid, by such persons, and in such manner, as

if several and respective writs of summons to Parliament under the Great Seal had issued and been awarded according to the tenor aforesaid; that if the sheriff, or other persons authorized, shall neglect his or their duty herein, that all and every such sheriff and person authorized as aforesaid, so neglecting his or their duty, shall, for every such offense, be guilty of high treason, and shall suffer the pains and penalties thereof.

XXI. That the clerk, called the Clerk of the Commonwealth in Chancery for the time being, and all others, who shall afterwards execute that office, to whom the returns shall be made, shall for the next Parliament, and the two succeeding triennial Parliaments, the next day after such return, certify the names of the several persons so returned, and of the places for which he and they were chosen respectively, unto the council; who shall peruse the said returns and examine whether the persons so elected and returned be such as is agreeable to the qualifications, and not disabled to be elected: and that every person and persons being so duly elected and being approved of by the major part of the council to be persons not disabled, but qualified as aforesaid, shall be esteemed a member of Parliament and be admitted to sit in Parliament, and not otherwise.

XXII. That the persons so chosen and assembled in manner aforesaid, or any sixty of them, shall be, and be deemed the Parliament of England, Scotland, and Ireland; and the supreme legislative power to be and reside in the Lord Protector and such Parliament, in manner herein expressed.

XXIII. That the Lord Protector, with the advice of the major part of the council, shall at any other time than is before expressed, when the necessities of the state shall require it, summon Parliaments in manner before expressed, which shall not be adjourned, prorogued, or dissolved without their consent, during the first three months of their sitting. And in case of future war with any foreign state, a Parliament shall be forthwith summoned for their advice concerning the same.

XXIV. That all bills agreed unto by the Parliament shall be presented to the Lord Protector for his consent; and in case he shall not give his consent thereto within twenty days after they shall be presented to him, or give satisfaction to the Parliament within the time limited, that then, upon declaration of the Parliament that the Lord Protector has not consented nor given satisfaction, such bills shall pass into and become laws, although he shall not give his con-

sent thereunto; provided such bills contain nothing in them contrary to the matters contained in these presents.

XXV. That Henry Lawrence, Esq. . . . [1] or any seven of them, shall be a council for the purposes expressed in this writing; and upon the death or other removal of any of them the Parliament shall nominate six persons of ability, integrity, and fearing God, for every one that is dead or removed; out of which the major part of the council shall elect two and present them to the Lord Protector, of which he shall elect one; and in case the Parliament shall not nominate within twenty days after notice given unto them thereof, the major part of the council shall nominate three as aforesaid to the Lord Protector, who out of them shall supply the vacancy; and until this choice be made, the remaining part of the council shall execute as fully in all things as if their number were full. And in case of corruption or other miscarriage in any of the council in their trust, the Parliament shall appoint seven of their number and the council six, who, together with the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal for the time being, shall have power to hear and determine such corruption and miscarriage, and to award and inflict punishment, as the nature of the offense shall deserve, which punishment shall not be pardoned or remitted by the Lord Protector; and, in the interval of Parliaments, the major part of the council, with the consent of the Lord Protector, may, for corruption or other miscarriage as aforesaid, suspend any of their number from the exercise of their trust, if they shall find it just, until the matter shall be heard and examined as aforesaid.

XXVI. That the Lord Protector and the major part of the council aforesaid may, at any time before the meeting of the next Parliament, add to the council such persons as they shall think fit, provided the number of the council be not made thereby to exceed twenty-one, and the quorum to be proportioned accordingly by the Lord Protector and the major part of the council.

XXVII. That a constant yearly revenue shall be raised, settled, and established for maintaining of ten thousand horse and dragoons and twenty thousand foot in England, Scotland, and Ireland, for the defense and security thereof, and also for a convenient number of ships for guarding of the seas; besides two hundred thousand pounds per annum for defraying the other necessary charges of administration of justice and other expenses of the government, which

[1] The names of fifteen members follow.

revenue shall be raised by the customs, and such other ways and means as shall be agreed upon by the Lord Protector and the council, and shall not be taken away or diminished, nor the way agreed upon for raising the same altered, but by the consent of the Lord Protector and the Parliament.

XXVIII. That the said yearly revenue shall be paid into the public treasury, and shall be issued out for the uses aforesaid.

XXIX. That in case there shall not be cause hereafter to keep up so great a defense both at land or sea, but that there be an abatement made thereof, the money which will be saved thereby shall remain in bank for the public service and not be employed to any other use but by consent of Parliament, or, in the intervals of Parliament, by the Lord Protector and major part of the council.

XXX. That the raising of money for defraying the charge of the present extraordinary forces, both at sea and land, in respect of the present wars, shall be by consent of Parliament, and not otherwise: save only that the Lord Protector, with the consent of the major part of the council, for preventing the disorders and dangers which might otherwise fall out both by sea and land, shall have power, until the meeting of the first Parliament, to raise money for the purposes aforesaid; and also to make laws and ordinances for the peace and welfare of these nations where it shall be necessary, which shall be binding and in force until order shall be taken in Parliament concerning the same.

XXXI. That the lands, tenements, rents, royalties, jurisdictions, and hereditaments which remain yet unsold or undisposed of by act or ordinance of Parliament, belonging to the Commonwealth (except the forests and chases and the honors and manors belonging to the same; the lands of the rebels in Ireland, lying in the four counties of Dublin, Cork, Kildare, and Carlow; the lands forfeited by the people of Scotland in the late wars, and also the lands of Papists and delinquents in England who have not yet compounded), shall be vested in the Lord Protector to hold, to him and his successors, Lords Protectors of these nations, and shall not be alienated but by consent in Parliament. And all debts, fines, issues, amercements, penalties, and profits, certain and casual, due to the "Keepers of the Liberty of England by Authority of Parliament," shall be due to the Lord Protector, and be payable into his public receipt, and shall be recovered and prosecuted in his name.

XXXII. That the office of Lord Protector over these nations shall be elective and not hereditary; and upon the death of the Lord Pro-

tector another fit person shall be forthwith elected to succeed him in the government; which election shall be by the council, who, immediately upon the death of the Lord Protector, shall assemble in the chamber where they usually sit in council; and, having given notice to all their members of the cause of their assembling, shall, being thirteen at least present, proceed to the election; and, before they depart the said chamber, shall elect a fit person to succeed in the government, and forthwith cause proclamation thereof to be made in all the three nations as shall be requisite; and the person that they, or the major part of them, shall elect as aforesaid, shall be, and shall be taken to be, Lord Protector over these nations of England, Scotland, and Ireland, and the dominions thereto belonging. Provided that none of the children of the late king, nor any of his line or family, be elected to be Lord Protector or other chief magistrate over these nations, or any the dominions thereto belonging. And until the aforesaid election be past, the council shall take care of the government and administer in all things as fully as the Lord Protector, or the Lord Protector and council are enabled to do.

XXXIII. That Oliver Cromwell, Captain-General of the forces of England, Scotland, and Ireland, shall be, and is hereby declared to be, Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the dominions thereto belonging, for his life.

XXXIV. That the Chancellor, Keeper or Commissioners of the Great Seal, the Treasurer, Admiral, Chief Governors of Ireland and Scotland, and the Chief Justices of both the Benches, shall be chosen by the approbation of Parliament; and, in the intervals of Parliament, by the approbation of the major part of the council, to be afterwards approved by the Parliament.

XXXV. That the Christian religion, as contained in the Scriptures, be held forth and recommended as the public profession of these nations; and that, as soon as may be, a provision, less subject to scruple and contention and more certain than the present, be made for the encouragement and maintenance of able and painful teachers, for instructing the people, and for discovery and confutation of error, hereby, and whatever is contrary to sound doctrine; and until such provision be made, the present maintenance shall not be taken away or impeached.

XXXVI. That to the public profession held forth none shall be compelled by penalties or otherwise; but that endeavors be used to win them by sound doctrine and the example of a good conversation.

XXXVII. That such as profess faith in God by Jesus Christ (though differing in judgment from the doctrine, worship, or discipline publicly held forth) shall not be restrained from, but shall be protected in, the profession of the faith and exercise of their religion, so as they abuse not this liberty to the civil injury of others and to the actual disturbance of the public peace on their parts: provided this liberty be not extended to popery or prelacy, nor to such as, under the profession of Christ, hold forth and practice licentiousness.

XXXVIII. That all laws, statutes, and ordinances, and clauses in any law statue or ordinance to the contrary of the aforesaid liberty, shall be esteemed as null and void.

XXXIX. That the acts and ordinances of Parliament made for the sale or other disposition of the lands, rents, and hereditaments of the late king, queen, and prince, of archbishops and bishops, etc., deans and chapters, the lands of delinquents and forest lands, or any of them, or of any other lands, tenements, rents, and hereditaments belonging to the Commonwealth, shall nowise be impeached or made invalid, but shall remain good and firm; and that the securities given by act and ordinance of Parliament for any sum or sums of money, by any of the said lands, the excise, or any other public revenue; and also the securities given by the public faith of the nation, and the engagement of the public faith for satisfaction of debts and damages, shall remain firm and good, and not be made void and invalid upon any pretense whatsoever.

XL. That the articles given to or made with the enemy, and afterwards confirmed by Parliament, shall be performed and made good to the persons concerned therein; and that such appeals as were depending in the last Parliament for relief concerning bills of sale of delinquents' estates, may be heard and determined the next Parliament, anything in this writing or otherwise to the contrary notwithstanding.

XLI. That every successive Lord Protector over these nations shall take and subscribe a solemn oath, in the presence of the council, and such others as they shall call to them, that he will seek the peace, quiet, and welfare of these nations, cause law and justice to be equally administered; and that he will not violate or infringe the matters and things contained in this writing, and in all other things will, to his power and to the best of his understanding, govern these nations according to the laws, statutes, and customs thereof.

XLII. That each person of the council shall, before they enter

upon their trust, take and subscribe an oath that they will be true and faithful in their trust, according to the best of their knowledge; and that in the election of every successive Lord Protector they shall proceed therein impartially, and do nothing therein for any promise, fear, favor, or reward.

7. HABEAS CORPUS ACT, 1679 [1]

THE right to the writ of *habeas corpus* had long been recognized by the Common Law, but prior to 1679 it was, under various pleas and excuses, often wholly nullified. The celebrated statute passed during the reign of Charles II made the remedies against arbitrary imprisonment short, certain, and easily obtainable. The chief defect in the Act, in failing to fix a limit on the amount of bail to be demanded, was removed a few years later by the Bill of Rights, which declared that "excessive bail ought not to be required." The Act in its original form applied only to the detention of persons charged with crime, but by a statute passed in 1812 it was made applicable to other cases of unjust imprisonment. As thus modified, the Habeas Corpus Act has become the basis of all legislation on the subject throughout the English-speaking world. The student should at least read articles I, II, V, and X.

HABEAS CORPUS ACT, 1679

An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonments beyond the Seas

I. Whereas great delays have been used by sheriffs, gaolers, and other officers, to whose custody any of the king's subjects have been committed for criminal or supposed criminal matters, in making returns of writs of *habeas corpus* to them directed, by standing out an *alias* and *pluries habeas corpus*,[2] and sometimes more, and by other shifts to avoid their yielding obedience to such writs, contrary to their duty and the known laws of the land, whereby many of the king's subjects have been and hereafter may be long detained in prison, in such cases where by law they are bailable, to their great charges and vexation:

[1] *Statutes of the Realm*, v, 935–938 (31 Charles II, c. 2).

[2] An *alias* writ is a second writ issued after a previous writ has been issued without effect. A *pleuries* writ is one issued after the first writ and an *alias* writ have failed of effect.

II. For the prevention whereof, and the more speedy relief of all persons imprisoned for any such criminal or supposed criminal matters; be it enacted by the king's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority thereof, that whensoever any person or persons shall bring any *habeas corpus* directed unto any sheriff or sheriffs, gaoler, minister, or other person whatsoever, for any person in his or their custody, and the said writ shall be served upon the said officer, or left at the gaol or prison with any of the under-officers, under-keepers, or deputy of the said officers or keepers, that the said officer or officers, his or their under-officers, under-keepers or deputies, shall, within three days after the service thereof as aforesaid (unless the commitment aforesaid were for treason or felony, plainly or specially expressed in the warrant of commitment), upon payment or tender of the charges of bringing the said prisoner, to be ascertained by the judge or court that awarded the same and endorsed upon the said writ, not exceeding twelve pence per mile, and upon security given by his own bond to pay the charges of carrying back the prisoner, if he shall be remanded by the court or judge to which he shall be brought according to the true intent of this present act, and that he will not make any escape by the way, make return of such writ; and bring or cause to be brought the body of the party so committed or restrained unto or before the Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being, or the judges or barons of the said court from whence the said writ shall issue, or unto and before such other person or persons before whom the said writ is made returnable, according to the command thereof; and shall then likewise certify the true causes of his detainer or imprisonment, unless the commitment of the said party be in any place beyond the distance of twenty miles from the place or places where such court or person is or shall be residing; and if beyond the distance of twenty miles, and not above one hundred miles, then within the space of ten days, and if beyond the distance of one hundred miles, then within the space of twenty days, after such delivery aforesaid, and not longer.

III. And to the intent that no sheriff, gaoler, or other officer may pretend ignorance of the import of any such writ; be it enacted by the authority aforesaid that all such writs shall be marked in this manner, *per statutum tricesimo primo Caroli secundi regis*,[1] and shall

[1] "According to the statute of the thirty-first year of King Charles II."

be signed by the person that awards the same; and if any person or persons shall be or stand committed or detained as aforesaid, for any crime, unless for treason or felony plainly expressed in the warrant of commitment, in the vacation time, and out of term, it shall and may be lawful to and for the person or persons so committed or detained (other than persons convict or in execution by legal process), or any one on his or their behalf, to appeal or complain to the Lord Chancellor or Lord Keeper, or any one of his Majesty's justices, either of the one bench or of the other, or the barons of the exchequer of the degree of the coif; and the said Lord Chancellor, Lord Keeper, justices or barons or any of them, upon view of the copy or copies of the warrant or warrants of commitment and detainer, or otherwise upon oath made that such copy or copies were denied to be given by such person or persons in whose custody the prisoner or prisoners is or are detained, are hereby authorized and required, upon request made in writing by such person or persons or any on his, her, or their behalf, attested and subscribed by two witnesses who were present at the delivery of the same, to award and grant a *habeas corpus* under the seal of such court whereof he shall then be one of the judges, to be directed to the officer or officers in whose custody the party so committed or detained shall be, returnable immediate before the said Lord Chancellor or Lord Keeper, or such justice, baron, or any other justice or baron of the degree of the coif of any of the said courts; and upon service thereof as aforesaid, the officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or their deputy, in whose custody the party is so committed or detained, shall, within the times respectively before limited, bring such prisoner or prisoners before the said Lord Chancellor or Lord Keeper, or such justices, barons, or one of them, before whom the said writ is made returnable, and in case of his absence before any of them, with the return of such writ and the true causes of the commitment and detainer; and thereupon within two days after the party shall be brought before them, the said Lord Chancellor or Lord Keeper, or such justice or baron before whom the prisoner shall be brought as aforesaid, shall discharge the said prisoner from his imprisonment, taking his or their recognizance, with one or more surety or sureties, in any sum according to their discretions, having regard to the quality of the prisoner and nature of the offense, for his or their appearance in the Court of King's Bench the term following, or at the next assizes, sessions, or general gaol-delivery of and for such county, city, or place where the

commitment was, or where the offense was committed, or in such other court where the said offense is properly cognizable, as the case shall require, and then shall certify the said writ with the return thereof, and the said recognizance or recognizances into the said court where such appearance is to be made; unless it shall appear unto the said Lord Chancellor or Lord Keeper, or justice or justices, or baron or barons, that the party so committed is detained upon a legal process, order, or warrant, out of some court that has jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said justices or barons, or some justice or justices of the peace, for such matters or offenses for the which by the law the prisoner is not bailable.

IV. Provided always, and be it enacted that if any person shall have wilfully neglected by the space of two whole terms after his imprisonment, to pray a *habeas corpus* for his enlargement, such person wilfully so neglecting shall not have any *habeas corpus* to be granted in vacation time, in pursuance of this act.

V. And be it further enacted by the authority aforesaid that if any officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or deputy, shall neglect or refuse to make the returns aforesaid, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or person in his behalf, shall refuse to deliver, or within the space of six hours after demand shall not deliver, to the person so demanding, a true copy of the warrant or warrants of commitment and detainer of such prisoner, which he and they are hereby required to deliver accordingly; all and every the head gaolers and keepers of such prisons, and such other person in whose custody the prisoner shall be detained, shall for the first offense forfeit to the prisoner or party grieved the sum of one hundred pounds; and for the second offense the sum of two hundred pounds, and shall and is hereby made incapable to hold or execute his said office; the said penalties to be recovered by the prisoner or party grieved, his executors or administrators, against such offender, his executors or administrators, by any action of debt, suit, bill, plaint, or information, in any of the king's courts at Westminster, wherein no essoin, protection, privilege, injunction, wager of law, or stay of prosecution by *non vult ulterius prosequi*,[1] or otherwise, shall be admitted or allowed, or any

[1] "It is not desired to pursue further."

more than one imparlance;[1] and any recovery or judgment at the suit of any party grieved shall be a sufficient conviction for the first offense; and any after recovery or judgment, at the suit of a party grieved for any offense after the first judgment, shall be a sufficient conviction to bring the officers or person within the said penalty for the second offense.

VI. And for the prevention of unjust vexation by reiterated commitments for the same offense; be it enacted by the authority aforesaid that no person or persons, which shall be delivered or set at large upon any *habeas corpus*, shall at any time hereafter be again imprisoned or committed for the same offense by any person or persons whatsoever, other than by the legal order and process of such court wherein he or they shall be bound by recognizance to appear, or other court having jurisdiction of the cause; and if any other person or persons shall knowingly, contrary to this act, recommit or imprison, or knowingly procure or cause to be recommitted or imprisoned, for the same offense or pretended offense, any person or persons delivered or set at large as aforesaid, or be knowingly aiding or assisting therein, then he or they shall forfeit to the prisoner or party grieved the sum of five hundred pounds; any colorable pretense or variation in the warrant or warrants of commitment notwithstanding, to be recovered as aforesaid.

VII. Provided always, and be it further enacted that if any person or persons shall be committed for high treason or felony, plainly and specially expressed in the warrant of commitment, upon his prayer or petition in open court the first week of the term, or first day of the sessions of Oyer and Terminer[2] or general gaol-delivery, to be brought to his trial, shall not be indicted some time in the next term, sessions of Oyer and Terminer, or general gaol-delivery, after such commitment; it shall and may be lawful to and for the judges of the Court of King's Bench and justices of Oyer and Terminer, or general gaol-delivery, and they are hereby required, upon motion to them made in open court the last day of the term, sessions, or gaol-delivery, either by the prisoner or any one in his behalf, to set at liberty the prisoner upon bail, unless it appears to the judges and justices upon oath made that the witnesses for the king could not be produced the same term, sessions, or general gaol-delivery; and

[1] An imparlance is an extension of time for pleading; a continuance.

[2] French for "To hear and determine." In English law a special commission to judges or others to inquire into a treason or felony.

if any person or persons committed as aforesaid, upon his prayer or petition in open court the first week of the term, or first day of the sessions of Oyer and Terminer, or general gaol-delivery, to be brought to his trial, shall not be indicted and tried the second term, sessions of Oyer and Terminer, or general gaol-delivery, after his commitment, or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

VIII. Provided always, that nothing in this act shall extend to discharge out of prison any person charged in debt, or other action, or with process in any civil cause, but that after he shall be discharged of his imprisonment for such his criminal offense, he shall be kept in custody according to the law, for such other suit.

IX. Provided always, and be it enacted by the authority aforesaid that if any person or persons, subject of this realm, shall be committed to any prison or in custody of any officer or officers whatsoever, for any criminal or supposed criminal matter, that the said person shall not be removed from the said prison and custody into the custody of any other officer or officers; unless it be by *habeas corpus* or some other legal writ; or where the prisoner is delivered to the constable or other inferior officer to carry such prisoner to some common gaol; or where any person is sent by order of any judge of assize or justice of the peace to any common workhouse or house of correction; or where the prisoner is removed from one prison or place to another within the same county, in order to his or her trial or discharge in due course of law; or in case of sudden fire or infection, or other necessity; and if any person or persons shall after such commitment aforesaid make out and sign, or countersign, any warrant or warrants for such removal aforesaid, contrary to this act; as well he that makes or signs, or countersigns, such warrant or warrants as the officer or officers that obey or execute the same, shall suffer and incur the pains and forfeitures in this act before mentioned, both for the first and second offense respectively, to be recovered in manner aforesaid by the party grieved.

X. Provided also, and be it further enacted by the authority aforesaid that it shall and may be lawful to and for any prisoner and prisoners as aforesaid to move and obtain his or their *habeas corpus* as well out of the High Court of Chancery or Court of Exchequer, as out of the courts of King's Bench or Common Pleas, or either of them; and if the said Lord Chancellor or Lord Keeper, or any judge or judges, baron or barons for the time being, of the degree of the

coif, of any of the courts aforesaid, in the vacation time, upon view of the copy or copies of the warrant or warrants of commitment or detainer, or upon oath made that such copy or copies were denied as aforesaid, shall deny any writ of *habeas corpus* by this act required to be granted, being moved for as aforesaid, they shall severally forfeit to the prisoner or party grieved the sum of five hundred pounds, to be recovered in manner aforesaid.

XI. And be it enacted and declared by the authority aforesaid that an *habeas corpus*, according to the true intent and meaning of this act, may be directed and run into any county palatine, the cinque ports, or other privileged places within the kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, and the islands of Jersey [and] Guernsey; any law or usage to the contrary notwithstanding.

XII. And for preventing illegal imprisonments in prisons beyond the seas; be it further enacted by the authority aforesaid that no subject of this realm that now is, or hereafter shall be an inhabitant or resident of this kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, shall or may be sent prisoner into Scotland, Ireland, Jersey, Guernsey, Tangier, or into any parts, garrisons, islands, or places beyond the seas, which are or at any time hereafter shall be within or without the dominions of his Majesty, his heirs or successors; and that every such imprisonment is hereby enacted and adjudged to be illegal; and that if any of the said subjects now is or hereafter shall be so imprisoned, every such person or persons so imprisoned shall and may, for every such imprisonment, maintain by virtue of this act an action or actions of false imprisonment, in any of his Majesty's courts of record, against the person or persons by whom he or she shall be so committed, detained, imprisoned, sent prisoner or transported, contrary to the true meaning of this act, and against all or any person or persons that shall frame, contrive, write, seal, or countersign any warrant or writing, for such commitment, detainer, imprisonment, or transportation, or shall be advising, aiding, or assisting in the same, or any of them; and the plaintiff in every such action shall have judgment to recover his treble costs, besides damages, which damages so to be given shall not be less than five hundred pounds; in which action no delay, stay, or stop of proceeding by rule, order, or command, nor no injunction, protection, or privilege whatsoever, nor any more than one imparlance shall be allowed, excepting such rule of the court wherein the

action shall depend, made in open court, as shall be thought in justice necessary, for special cause to be expressed in the said rule; and the person or persons who shall knowingly frame, contrive, write, seal, or countersign any warrant for such commitment, detainer, or transportation, or shall so commit, detain, imprison, or transport any person or persons contrary to this act, or be any ways advising, aiding, or assisting therein, being lawfully convicted thereof, shall be disabled from thenceforth to bear any office of trust or profit within the said realm of England, dominion of Wales, or town of Berwick-upon-Tweed, or any of the islands, territories, or dominions thereunto belonging; and shall incur and sustain the pains, penalties, and forfeitures limited, ordained, and provided in and by the statute of Provision and Præmunire made in the sixteenth year of King Richard II; and be incapable of any pardon from the king, his heirs or successors, of the said forfeitures, losses, or disabilities, or any of them.

XIII. Provided always that nothing in this act shall extend to give benefit to any person who shall by contract in writing agree with any merchant or owner of any plantation, or other person whatsoever, to be transported to any parts beyond the seas, and receive earnest upon such agreement, although that afterwards such person shall renounce such contract.

XIV. Provided always, and be it enacted that if any person or persons, lawfully convicted of any felony, shall in open court pray to be transported beyond the seas, and the court shall think fit to leave him or them in prison for that purpose, such person or persons may be transported into any parts beyond the seas; this act, or anything therein contained to the contrary notwithstanding.

XV. Provided also, and be it enacted that nothing herein contained shall be deemed, construed, or taken to extend to the imprisonment of any person before the first day of June one thousand six hundred seventy and nine, or to anything advised, procured, or otherwise done, relating to such imprisonment; anything herein contained to the contrary notwithstanding.

XVI. Provided also, that if any person or persons at any time resident in this realm shall have committed any capital offense in Scotland or Ireland, or any of the islands, or foreign plantations of the king, his heirs or successors, where he or she ought to be tried for such offense, such person or persons may be sent to such place, there to receive such trial, in such manner as the same might have been

used before the making of this act; anything herein contained to the contrary notwithstanding.

XVII. Provided also, and be it enacted that no person or persons shall be sued, impleaded, molested, or troubled for any offense against this act, unless the party offending be sued or impleaded for the same within two years at the most after such time wherein the offense shall be committed, in case the party grieved shall not be then in prison; and if he shall be in prison, then within the space of two years after the decease of the person imprisoned, or his or her delivery out of prison, which shall first happen.

XVIII. And to the intent no person may avoid his trial at the assizes or general gaol-delivery, by procuring his removal before the assizes, at such time as he cannot be brought back to receive his trial there; be it enacted that after the assizes proclaimed for that county where the prisoner is detained, no person shall be removed from the common gaol upon any *habeas corpus* granted in pursuance of this act, but upon any such *habeas corpus* shall be brought before the judge of assize in open court, who is thereupon to do what to justice shall appertain.

XIX. Provided nevertheless, that after the assizes are ended, any person or persons detained may have his or her *habeas corpus* according to the direction and intention of this act.

XX. And be it also enacted by the authority aforesaid that if any information, suit, or action shall be brought or exhibited against any person or persons for any offense committed or to be committed against the form of this law, it shall be lawful for such defendants to plead the general issue, that they are not guilty, or that they owe nothing, and to give such special matter in evidence to the jury that shall try the same, which matter being pleaded had been good and sufficient matter in law to have discharged the said defendant or defendants against the said information, suit, or action, and the said matter shall be then as available to him or them, to all intents or purposes, as if he or they had sufficiently pleaded, set forth, or alleged the same matter in bar or discharge of such information, suit, or action.

XXI. And because many times persons charged with petty treason or felony; or as accessories thereunto, are committed upon suspicion only, whereupon they are bailable or not, according as the circumstances making out that suspicion are more or less weighty, which are best known to the justices of peace that committed the

persons and have the examinations before them, or to other justices of peace in the county; be it therefore enacted that where any person shall appear to be committed by any judge or justice of the peace, and charged as accessory before the fact, to any petty treason or felony, or upon suspicion thereof, or with suspicion of petty treason or felony, which petty treason or felony shall be plainly and especially expressed in the warrant of commitment, that such person shall not be removed or bailed by virtue of this act, or in any other manner than they might have been before the making of this act.

8. BILL OF RIGHTS, 1689 [1]

THE Parliament which offered the Crown to William and Mary in February, 1689, accompanied its offer by a formal declaration of the unconstitutional acts of James II, the deposed king. In October of the same year the declaration was amplified and amended and was then passed by Parliament as the Bill of Rights. This celebrated statute affirmed and strengthened the principles of political liberty already formulated in the Great Charter and the Petition of Right. To it no additions of equal importance have since been made, except those of the Act of Settlement in 1701. Many clauses of the Bill of Rights reappear, almost unchanged, in the first ten amendments to the Constitution of the United States.

BILL OF RIGHTS, 1689

An Act for declaring the Rights and Liberties of the Subject, and for settling the Succession of the Crown

I. Whereas the Lords Spiritual and Temporal, and Commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did, upon the thirteenth day of February, in the year of our Lord one thousand six hundred eighty-eight,[2] present unto their Majesties, then called and known by the names and style of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain declaration in writing, made by the said Lords and Commons, in the words following, viz.:

Whereas the late King James II, by the assistance of divers evil counselors, judges, and ministers employed by him, did endeavor to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom:

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament.

[1] *Statutes of the Realm*, vi, 142–145 (1 William and Mary, Sess. 2, c. 2).

[2] In New Style, February 23, 1689.

2. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the same assumed power.

3. By issuing and causing to be executed a commission under the Great Seal for erecting a court called the Court of Commissioners for Ecclesiastical Causes.

4. By levying money for and to the use of the Crown, by pretense of prerogative, for other time and in other manner than the same was granted by Parliament.

5. By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law.

6. By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law.

7. By violating the freedom of election of members to serve in Parliament.

8. By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament; and by divers other arbitrary and illegal courses.

9. And whereas of late years partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders.

10. And excessive bail has been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

11. And excessive fines have been imposed, and illegal and cruel punishments inflicted.

12. And several grants and promises made of fines and forfeitures, before any conviction of judgment against the persons upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late King James II having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it has pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal, and divers principal persons of the Commons) cause letters

to be written to the Lords Spiritual and Temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque ports, for the choosing of such persons as represent them, as were of right to be sent to Parliament, to meet and sit at Westminster upon the two-and-twentieth day of January, in this year one thousand six hundred eighty and eight,[1] in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted; upon which letters elections have been accordingly made.

And thereupon the said Lords Spiritual and Temporal, and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representation of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done), for the vindicating and asserting their ancient rights and liberties, declare:

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it has been assumed and exercised of late, is illegal.

3. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious.

4. That levying money for or to the use of the Crown, by pretense of prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.

7. That the subjects which are Protestants may have arms for their defense suitable to their conditions, and as allowed by law.

8. That election of members of Parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

[1] In New Style, February 1, 1689.

10. That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impaneled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliament ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and that no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties:

II. The said Lords Spiritual and Temporal, and Commons, assembled at Westminster, do resolve that William and Mary, Prince and Princess of Orange, be, and be declared, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the Crown and royal dignity of the said kingdom and dominions to them the said Prince and Princess during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in and executed by the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their deceases, the said Crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said Princess; and for default of such issue to the Princess Anne of Denmark, and the heirs of her body; and for default of such issue to the heirs of the body of the said Prince of Orange. And the Lords Spiritual and Temporal, and Commons, do pray the said Prince and Princess to accept the same accordingly.

III. And that the oaths hereafter mentioned be taken by all

persons of whom the oaths of allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

"I, *A.B.*, do sincerely promise and swear that I will be faithful and bear true allegiance to their majesties King William and Queen Mary. So help me God."

"I, *A.B.*, do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate has, or ought to have, any jurisdiction, power, superiority, preëminence, or authority ecclesiastical or spiritual, within this realm. So help me God."

IV. Upon which their said Majesties did accept the Crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

V. And thereupon their Majesties were pleased that the said Lords Spiritual and Temporal, and Commons, being the two houses of Parliament, should continue to sit, and with their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws, and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted; to which the said Lords Spiritual and Temporal, and Commons, did agree and proceed to act accordingly.

VI. Now in pursuance of the premises, the said Lords Spiritual and Temporal, and Commons, in Parliament assembled, for the ratifying, confirming, and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of Parliament, do pray that it may be declared and enacted that all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come.

VII. And the said Lords Spiritual and Temporal, and Commons, seriously considering how it has pleased Almighty God, in His marvelous providence and merciful goodness to this nation, to provide and preserve their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto Him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly, and in the sincerity of their hearts think, and do hereby recognize, acknowledge, and declare, that King James II, having abdicated the government, and their Majesties having accepted the Crown and royal dignity aforesaid, their said Majesties did become, were, are, and of right ought to be, by the laws of this realm, our sovereign liege lord and lady, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, in and to whose princely persons the royal state, Crown, and dignity of the said realms, with all honors, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining, are most fully, rightfully, and entirely invested and incorporated, united and annexed.

VIII. And for preventing all questions and divisions in this realm, by reason of any pretended titles to the Crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity, and safety of this nation does, under God, wholly consist and depend, the said Lords Spiritual and Temporal, and Commons, do beseech their Majesties that it may be enacted, established, and declared that the Crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties, and the survivor of them, during their lives and the life of the survivor of them. And that the entire, perfect, and full exercise of the regal power and government be only in and executed by his Majesty, in the names of both their Majesties during their joint lives; and after their deceases the said Crown and premises shall be and remain to the heirs of the body of her Majesty; and for default of such issue, to her Royal Highness the Princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of his said Majesty. And thereunto the said Lords Spiritual and Temporal, and Commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities forever; and do faithfully promise that they will stand to, maintain, and defend their said Majesties, and also the

limitation and succession of the Crown herein specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary.

IX. And whereas it has been found by experience that it is inconsistent with the safety and welfare of this Protestant kingdom to be governed by a Popish prince, or by any king or queen marrying a Papist, the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted that all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with, the See or Church of Rome, or shall profess the Popish religion, or shall marry a Papist, shall be excluded, and be forever incapable to inherit, possess, or enjoy the Crown and government of this realm and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said Crown and government shall from time to time descend to, and be enjoyed by, such person or persons, being Protestants, as should have inherited and enjoyed the same, in case the said person or persons so reconciled, holding communion, or professing, or marrying, as aforesaid, were naturally dead.

X. And that every king and queen of this realm, who at any time hereafter shall come to and succeed in the Imperial Crown of this kingdom, shall, on the first day of the meeting of the first Parliament, next after his or her coming to the Crown, sitting in his or her throne in the House of Peers, in the presence of the Lords and Commons therein assembled, or at his or her coronation, before such person or persons who shall administer the Coronation Oath to him or her, at the time of his or her taking the said oath (which shall first happen), make, subscribe, and audibly repeat the declaration mentioned in the statute made in the thirteenth year of the reign of King Charles II, entitled "An act for the more effectual preserving the king's person and government, by disabling Papists from sitting in either house of Parliament." But if it shall happen that such king or queen, upon his or her succession to the Crown of this realm, shall be under the age of twelve years, then every such king or queen shall make, subscribe, and audibly repeat the said declaration at his or her coronation, or the first day of the meeting of the first Parliament as aforesaid, which shall first happen after such king or queen shall have attained the said age of twelve years.

XI. All which their Majesties are contented and pleased shall be declared, enacted, and established by authority of this present Parliament, and shall stand, remain, and be the law of this realm forever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the authority of the same, declared, enacted, [and] established accordingly.

XII. And be it further declared and enacted by the authority aforesaid, that from and after this present session of Parliament no dispensation by *non obstante* of or to any statute, or any part thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

XIII. Provided that no charter, or grant, or pardon granted before the three-and-twentieth day of October, in the year of our Lord one thousand six hundred eighty-nine, shall be any ways impeached or invalidated by this act, but that the same shall be and remain of the same force and effect in law, and no other, than as if this act had never been made.

9. ACT OF SETTLEMENT, 1701 [1]

WILLIAM III was childless, and his sister-in-law, Anne, lost her last surviving child in 1701. As the Bill of Rights had fixed the succession no further than Anne's descendants, Parliament found it now necessary to pass the statute called the Act of Settlement. It prescribed that, in case of the death of both William and Anne without heirs, the Crown should go to Sophia, electress of Hanover, and her descendants. She was the granddaughter of James I and the nearest Protestant member of the Stuart house. By this arrangement Parliament excluded a number of still nearer representatives of the British royal family, because they were Roman Catholics. The Act of Settlement not only fixed the succession, but also imposed additional restrictions upon a British sovereign. These are set forth in Article III.

ACT OF SETTLEMENT, 1701

An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject

I. Whereas in the first year of the reign of your Majesty, and of our late most gracious sovereign lady Queen Mary (of blessed memory) an act of Parliament was made, entitled "An act for declaring the rights and liberties of the subject, and for settling the succession of the Crown," wherein it was (amongst other things) enacted, established, and declared that the Crown and regal government of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, should be and continue to your Majesty and the said late Queen, during the joint lives of your Majesty and the said Queen, and to the survivor: and that after the decease of your Majesty and of the said Queen, the said Crown and regal government should be and remain to the heirs of the body of the said late Queen; and for default of such issue, to her Royal Highness the Princess Anne of Denmark, and the heirs of her body: and for default of such

[1] *Statutes of the Realm*, vii, 636–638 (12 and 13 William III, c. 2).

issue, to the heirs of the body of your Majesty. And it was thereby further enacted that all and every person and persons that then were, or afterwards should be reconciled to, or shall hold communion with the See or Church of Rome, or should profess the Popish religion, or marry a Papist, should be excluded, and are by that act made forever incapable to inherit, possess, or enjoy the Crown and government of this realm and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same: and in all and every such case and cases the people of these realms shall be and are thereby absolved of their allegiance: and that the said Crown and government shall from time to time descend to and be enjoyed by such person or persons, being Protestants, as should have inherited and enjoyed the same, in case the said person or persons, so reconciled, holding communion, professing, or marrying as aforesaid, were naturally dead. After the making of which statute, and the settlement therein contained, your Majesty's good subjects, who were restored to the full and free possession and enjoyment of their religion, rights, and liberties, by the providence of God giving success to your Majesty's just undertakings and unwearied endeavors for that purpose, had no greater temporal felicity to hope or wish for than to see a royal progeny descending from your Majesty, to whom (under God) they owe their tranquillity, and whose ancestors have for many years been principal assertors of the reformed religion and the liberties of Europe, and from our said most gracious sovereign lady, whose memory will always be precious to the subjects of these realms: and it having since pleased Almighty God to take away our said sovereign lady, and also the most hopeful Prince William Duke of Gloucester (the only surviving issue of her Royal Highness the Princess Anne of Denmark) to the unspeakable grief and sorrow of your Majesty and your said good subjects, who under such losses being sensibly put in mind that it stands wholly in the pleasure of Almighty God to prolong the lives of your Majesty and of her Royal Highness, and to grant to your Majesty, or to her Royal Highness, such issue as may be inheritable to the Crown and regal government aforesaid, by the respective limitations in the said recited act contained, do constantly implore the Divine Mercy for those blessings: and your Majesty's said subjects, having daily experience of your royal care and concern for the present and future welfare of these kingdoms, and particularly recommending from your Throne a further provision to be

made for the succession of the Crown in the Protestant line, for the happiness of the nation and the security of our religion; and it being absolutely necessary for the safety, peace, and quiet of this realm to obviate all doubts and contentions in the same, by reason of any pretended title to the Crown, and to maintain a certainty in the succession thereof, to which your subjects may safely have recourse for their protection, in case the limitations in the said recited act should determine. Therefore, for a further provision of the succession of the Crown in the Protestant line, we, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, do beseech your Majesty that it may be enacted and declared, and be it enacted and declared by the king's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the most excellent Princess Sophia, Electress and Duchess Dowager of Hanover, daughter of the most excellent Princess Elizabeth, late Queen of Bohemia, daughter of our late sovereign lord King James I, of happy memory, be and is hereby declared to be the next in succession, in the Protestant line, to the imperial Crown and dignity of the said realms of England, France, and Ireland, with the dominions and territories thereunto belonging, after his Majesty and the Princess Anne of Denmark, and in default of issue of the said Princess Anne, and of his Majesty respectively: and that from and after the deceases of his said Majesty, our now sovereign lord, and of her Royal Highness the Princess Anne of Denmark, and for default of issue of the said Princess Anne, and of his Majesty respectively, the Crown and regal government of the said kingdoms of England, France, and Ireland, and of the dominions thereunto belonging, with the royal state and dignity of the said realms, and all honors, styles, titles, regalities, prerogatives, powers, jurisdictions, and authorities, to the same belonging and appertaining, shall be, remain, and continue to the said most excellent Princess Sophia, and the heirs of her body, being Protestants: and thereunto the said Lords Spiritual and Temporal, and Commons, shall and will, in the name of all the people of this realm, most humbly and faithfully submit themselves, their heirs and posterities; and do faithfully promise that after the deceases of his Majesty and her Royal Highness, and the failure of the heirs of their respective bodies, to stand to, maintain, and defend the said Princess Sophia, and the heirs of her body, being Protestants, accord-

ing to the limitation and succession of the Crown in this act specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary.

II. Provided always, and it is hereby enacted that all and every person and persons, who shall or may take or inherit the said Crown, by virtue of the limitation of this present act, and is, are, or shall be reconciled to, or shall hold communion with, the See or Church of Rome, or shall profess the Popish religion, or shall marry a Papist, shall be subject to such incapacities, as in such case or cases are by the said recited act provided, enacted, and established; and that every king and queen of this realm, who shall come to and succeed in the imperial Crown of this kingdom, by virtue of this act, shall have the Coronation Oath administered to him, her or them, at their respective coronations, according to the act of Parliament made in the first year of the reign of his Majesty, and the said late Queen Mary, entitled "An act for establishing the Coronation Oath," and shall make, subscribe, and repeat the declaration in the act first above recited, mentioned, or referred to, in the manner and form thereby prescribed.

III. And whereas it is requisite and necessary that some further provision be made for securing our religion, laws, and liberties, from and after the death of his Majesty and the Princess Anne of Denmark, and in default of issue of the body of the said Princess, and of his Majesty respectively; be it enacted by the king's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the authority of the same:

That whosoever shall hereafter come to the possession of this Crown shall join in communion with the Church of England, as by law established.

That in case the Crown and imperial dignity of this realm shall hereafter come to any person, not being a native of this kingdom of England, this nation be not obliged to engaged in any war for the defense of any dominions or territories which do not belong to the Crown of England, without the consent of Parliament.

That no person who shall hereafter come to the possession of this Crown shall go out of the dominions of England, Scotland, or Ireland, without consent of Parliament.[1]

[1] Repealed in the first year of George I's reign (1714).

That from and after the time that the further limitation by this act shall take effect, all matters and things relating to the well governing of this kingdom, which are properly cognizable in the Privy Council by the laws and customs of this realm, shall be transacted there, and all resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same.[1]

That after the said limitation shall take effect as aforesaid, no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalized or made a denizen, except such as are born of English parents), shall be capable to be of the Privy Council, or a member of either house of Parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the Crown, to himself or to any other or others in trust for him.

That no person who has an office or place of profit under the king, or receives a pension from the Crown, shall be capable of serving as a member of the House of Commons.[2]

That after the said limitation shall take effect as aforesaid, judges' commissions be made *quamdiu se bene gesserint*,[3] and their salaries ascertained and established; but upon the address of both houses of Parliament it may be lawful to remove them.

That no pardon under the Great Seal of England be pleadable to an impeachment by the Commons in Parliament.

IV. And whereas the laws of England are the birthright of the people thereof, and all the kings and queens, who shall ascend the throne of this realm, ought to administer the government of the same according to the said laws, and all their officers and ministers ought to serve them respectively according to the same: the said Lords Spiritual and Temporal, and Commons, do therefore further humbly pray that all the laws and statutes of this realm for securing the established religion, and the rights and liberties of the people thereof, and all other laws and statutes of the same now in force, may be ratified and confirmed, and the same are by his Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, and by the authority of the same, ratified and confirmed accordingly.

[1] Repealed by 4 Anne, c. 8, and 6 Anne, c. 7.

[2] Repealed in the fourth year of Anne's reign (1705).

[3] "As long as they shall properly perform their duties."

10. RESOLUTIONS OF THE STAMP ACT CONGRESS, 1765 [1]

After the passage of the Stamp Act in March, 1765, the Massachusetts House of Representatives, on the motion of James Otis, sent a circular letter to the other colonies, proposing that a congress be held in New York "to consider of a general and united, dutiful, loyal, and humble representation of their condition to his Majesty and to the Parliament, and to implore relief." The Congress met the next October, delegates from nine colonies being present. The following Declaration of Rights and Grievances, which had been drafted by John Dickinson, a delegate from Pennsylvania, was adopted. It formed the first utterance of any considerable body of American opinion on the issues which were soon to separate the colonists from their mother country.

Resolutions of the Stamp Act Congress, 1765

The members of this congress, sincerely devoted, with the warmest sentiments of affection and duty to his Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered, as maturely as time will permit, the circumstances of said colonies, esteem it our indispensable duty to make the following declarations of our humble opinions, respecting the most essential rights and liberties of the colonists, and of the grievances under which they labor by reason of several late acts of Parliament.

I. That his Majesty's subjects in these colonies owe the same allegiance to the Crown of Great Britain that is owing from his subjects born within the realm, and all due subordination to that august body, the Parliament of Great Britain.

[1] *The Writings of John Dickinson*, vol. i, pp. 183–187. Edited by P. L. Ford. Philadelphia, 1895 (Memoirs of the Historical Society of Pennsylvania, vol. xiv).

II. That his Majesty's liege subjects in these colonies are entitled to all the inherent rights and liberties of his natural born subjects within the kingdom of Great Britain.

III. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no tax be imposed upon them but with their own consent, given personally, or by their respresentatives.

IV. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great Britain.

V. That the only representatives of the people of these colonies are the persons chosen therein by themselves; and that no taxes ever have been or can be constitutionally imposed on them, but by their respective legislatures.

VI. That all supplies to the Crown being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution for the people of Great Britain to grant to his Majesty the property of the co onies.

VII. That trials by jury are the inherent and inva uable right of every British subject in these colonies.

VIII. That the late act of Parliament, entitled, "An act for granting certain stamp duties and other duties in the British colonies and plantations in America," etc., by imposing taxes on the inhabitants of these colonies, and the sa d act and several other acts, by extending the jurisdiction of the courts of admiralty beyond its ancient limits, have a tendency to subvert the rights and liberties of the colonists.

IX. That the duties imposed by several late acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burdensome and grievous, and, from the scarcity of specie, the payment of them absolutely impracticable.

X. That [as] the profits of the trade of these colonies ultimately center in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the Crown.

XI. That the restrictions imposed by several late acts of Parliament, on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

XII. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyment of their rights and

liberties, and an intercourse with Great Britain mutually affectionate and advantageous.

XIII. That it is the right of the British subjects in these colonies to petition the king or either house of Parliament.

Lastly, That it is the indispensable duty of these colonies to the best of sovereigns, to the mother country, and to themselves, to endeavor, by a loyal and dutiful address to his Majesty, and humble applications to both houses of Parliament, to procure the repeal of the act for granting certain stamp duties, of all clauses of any other act of Parliament, whereby the jurisdiction of the admiralty is extended as aforesaid, and of other acts for the restriction of American commerce.

11. VIRGINIA BILL OF RIGHTS, 1776 [1]

A CONVENTION which met at Williamsburg in May, 1776, not only framed a complete constitution for Virginia, but also adopted a separate Declaration (or Bill) of Rights, drafted by George Mason. The document should be compared, on the one side, with the British Bill of Rights and Act of Settlement, and, on the other side, with the Declaration of Independence and the first ten amendments to the Constitution of the United States. Nowhere else, perhaps, can be found so admirable an exposition of the American theory of government.

VIRGINIA BILL OF RIGHTS, 1776

A Declaration of Rights made by the representatives of the good people of Virginia, assembled in full and free convention, which rights do pertain to them and their posterity, as the basis and foundation of government.

I. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

III. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found

[1] B. P. Poore, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States*, part ii, pp. 1908–1909. Second Edition. Washington, 1878.

inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it in such manner as shall be judged most conducive to the public weal.

IV. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, not being descendable, neither ought the offices of magistrate, legislator, or judge to be hereditary.

V. That the legislative and executive powers of the State should be separate and distinct from the judiciary; and that members of the two first may be restrained from oppression, by feeling and participating [in] the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

VI. That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented for the public good.

VII. That all power of suspending laws, or the execution of laws by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

VIII. That in all capital or criminal prosecutions a man has a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

IX. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

X. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or

whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

XI. That in controversies respecting property and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

XII. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

XIII. That a well regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

XIV. That the people have a right to uniform government; and, therefore, that no government, separate from, or independent of the government of Virginia, ought to be erected or established within the limits thereof.

XV. That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

XVI. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other.

12. DECLARATION OF INDEPENDENCE, 1776

The Second Continental Congress, including delegates from all the colonies, assembled at Philadelphia in May, 1775. A year later, after the failure of all attempts at conciliation with Great Britain, Congress recommended that the colonies set up governments of their own. In June, 1776, a committee was appointed to prepare a declaration "that these United Colonies are, and of right ought to be, free and independent states." The committee consisted of Thomas Jefferson of Virginia, John Adams of Massachusetts, Benjamin Franklin of Pennsylvania, Roger Sherman of Connecticut, and R. R. Livingston of New York. Jefferson drew up the draft of the proposed declaration, but its phraseology was carefully revised by the other members of the committee and afterwards by Congress. The Declaration of Independence was agreed to on July 4 and ordered to be proclaimed before the army and in each one of the states. Subsequently (August 2) the members of Congress then present signed their names to the document. At least six signatures were added later, making fifty-six in all. Several of those who signed it on August 2 were absent when it was adopted on July 4; and not all who voted for it in July signed it the following August. In the original document, as preserved in the Department of State, the whole matter runs on without a break, except for numerous dashes. The present paragraphing is that found in the copy inserted in the congressional journal.

Declaration of Independence, 1776

The Unanimous Declaration of the Thirteen United States of America

I. When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the

[1] *Revised Statutes of the United States*, pp. 3–5. Second Edition. Washington, 1878.

separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

II. We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience has shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security. — Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

III. He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governers to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncom-

fortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring province,[1] establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

[1] Quebec. The reference is to the Quebec Act, 1774.

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

IV. In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

V. Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

VI. We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be

free and independent states; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is and ought to be totally dissolved; and that as free and independent states they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.[1]

[1] Signed by John Hancock and fifty-five other representatives of the Thirteen Colonies.

13. ARTICLES OF CONFEDERATION, 1778 [1]

Congress in June, 1776, appointed a committee, consisting of a member from each state, to prepare a frame of government for the confederated states. The committee reported through its chairman, John Dickinson, in the middle of July. The subject was then discussed at intervals until November 15, 1777, when the Articles of Confederation were adopted. They were then submitted to the state legislatures for approval. On July 9, 1778, the delegates of eight states in Congress signed the document, according to their instructions. The adhesion of the five remaining states was secured by March 1, 1781, at which time, therefore, the Articles came into effect.

Articles of Confederation, 1778

To All to Whom these Presents shall come, we the Undersigned Delegates of the States affixed to our Names send Greeting. . .

I. The style of this confederacy shall be "The United States of America."

II. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States, in Congress assembled.

III. The said states hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of these states, paupers, vagabonds, and fugi-

[1] *Revised Statutes of the United States*, pp. 7–11. Second Edition. Washington, 1878.

tives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state of which the owner is an inhabitant; provided also that no imposition, duties, or restriction shall be laid by any state on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state shall flee from justice, and be found in any of the United States, he shall, upon demand, of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offense.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceeding of the courts and magistrates of every other state.

V. For the more convenient management of the general interest of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office, under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

VI. No state, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defense of such state or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only as in the judgment of the United States in Congress assembled shall be deemed requisite to garrison the forts necessary for the defense of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of delay till the United States in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof against which war has been so de-

clared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

VII. When land forces are raised by any state for the common defense, all officers of or under the rank of colonel shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

VIII. All charges of war and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States in Congress assembled.

IX. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article — of sending and receiving ambassadors — entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting he exportation or importation of any species of goods or commodities whatsoever — of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated — of granting letters of marque and reprisal in times of peace — appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress and lodged among the acts of Congress for the security of the parties concerned; provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judg-

ment, without favor, affection, or hope of reward": provided also that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdiction as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states — fixing the standard of weights and measures throughout the United States — regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated — establishing and regulating post offices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office — appointing all officers of the land forces in the service of the United States, excepting regimental officers — appointing all the officers of the naval forces and commissioning all officers whatever in the service of the United States — making rules for the government and regulation of the said land and naval forces and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated a Committee of the States, and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction — to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses — to borrow money or emit bills on the credit of the United States, transmitting every half year to the

respective states an account of the sums of money so borrowed or emitted — to build and equip a navy — to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. But if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require

secrecy; and the nays and yeas of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

X. The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee for the exercise of which, by the Articles of Confederation, the voice of nine states in the Congress of the United States assembled is requisite.

XI. Canada, acceding to this confederation and joining in the measures of the United States, shall be admitted into, and entitled to all of the advantages, of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

XII. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

XIII. Every state shall abide by the determinations of the United States in Congress assembled on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.

And whereas it has pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress to approve of, and to authorize us to ratify the said Articles of Confederation and Perpetual Union. Know ye that we the undersigned delegates,[1] by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf

[1] The names of the signers (forty-eight in number) are omitted.

of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and Perpetual Union, and all and singular the matters and things therein contained: and we do further solemnly plight and engage the faith of our respective constituents that they shall abide by the determinations of the United States in Congress assembled on all questions which, by the said confederation, are submitted to them. And that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the ninth day of July in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

14. NORTHWEST ORDINANCE, 1787 [1]

THIS Ordinance, which has provided the model for the government of American territories, was adopted on July 13, 1787, at a session of Congress in New York. The national domains described in the instrument included what are now Ohio, Indiana, Illinois, Michigan, and Wisconsin, together with part of Minnesota. All this region had been ceded by the states to the Federal government, to be administered in the interests of the whole people. Articles I, II, III, and VI of the final section, by which prospective settlers were guaranteed the fullest measure of religious and civil liberty, deserve attentive reading.

NORTHWEST ORDINANCE, 1787

An Ordinance for the Government of the Territory of the United States northwest of the River Ohio

Section 1. Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Section 2. Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate her third part of

[1] *Revised Statutes of the United States*, pp. 13–16. Second Edition. Washington, 1878.

the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Section 3. Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district and have a freehold estate therein in one thousand acres of land, while in the exercise of his office.

Section 4. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district and have a freehold estate therein in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

Section 5. The governor and judges, or a majority of them, shall

adopt and publish in the district such laws of the original states, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

Section 6. The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Section 7. Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

Section 8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district; and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

Section 9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the general assembly: provided that for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United

States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: provided also that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

Section 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead to serve for the residue of the term.

Section 11. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid: and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of [the] council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever,

shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly when, in his opinion, it shall be expedient.

Section 12. The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

Section 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest:

Section 14. It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

Article I

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories.

Article II

The inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus* and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of common law. All persons shall be bailable, unless for capital offenses where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No

man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared that no law ought ever to be made or have force in the said territory that shall, in any manner whatever, interfere with or affect private contracts or engagements, *bona fide*, and without fraud previously formed.

Article III

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article IV

The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district, or districts, or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil

by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona-fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no cases shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.

Article V

There shall be formed in the said territory not less than three nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western state, in the said territory, shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided however, and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered that, if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: provided, the constitution and government, so to be formed, shall be republican and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the

confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

ARTICLE VI

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed, and declared null and void.

Done by the United States, in Congress assembled. the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

15. CONSTITUTION OF THE UNITED STATES, 1787 [1]

The dissatisfaction felt with the Articles of Confederation and the failure of all attempts to amend them by state action resulted in the meeting of the Constitutional Convention at Philadelphia, May 25, 1787. All the states except Rhode Island were represented. The fifty-five delegates included Washington, who presided, Franklin, Madison, Hamilton, Dickinson, and many other distinguished men. The convention met daily, in secret sessions, during the next four months. Instead of merely revising the Articles of Confederation, as had been authorized by Congress, the convention decided to prepare an entirely new constitution. When completed, it was signed on September 17, by all but three of the members present. It was then transmitted by Congress to the several states, in order to be ratified by conventions of delegates chosen in each state by a popular vote. By June 21, 1788, nine states had ratified the Constitution, thus bringing it (in accordance with Article VII) into operation. Virginia and New York ratified it a few days later. North Carolina and Rhode Island did not ratify it until after the inauguration of Washington as President in March, 1789. In order to meet the objections of those opponents of the Constitution as originally framed, ten amendments, stating clearly the rights of the people, were drawn up by the first Congress under the Constitution, promptly ratified by the states, and declared in force in November, 1791.

Constitution of the United States, 1787

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

[1] *Revised Statutes of the United States*, pp. 17–32. Second Edition. Washington, 1878.

Article I

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

[Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons].[1] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Section 3. [The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.][2]

[1] The clause included in brackets is amended by the Fourteenth Amendment, second section.

[2] The first paragraph of section three of Article I and so much of paragraph two of the same section as relates to filling vacancies are amended by the Seventeenth Amendment.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments [until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section 4. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attend-

ance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the nays and yeas of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Section 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both

houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; — And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 9. The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.[1]

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account

[1] See the Sixteenth Amendment.

of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payments of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Article II

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective states and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat

of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President].[1]

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not

[1] The clause included in brackets has been superseded by the Twelfth Amendment.

receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

Section 2. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Article III

Section 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their office during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admirality and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states;[1] between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

[1] Limited by the Eleventh Amendment.

Article IV

Section 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime.

[No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due].[1]

Section 3. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Section 4. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Article V

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either

[1] Superseded by the Thirteenth Amendment.

case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Article VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Article VII

The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.[1]

. . . . . .

[1] Here follow the names of George Washington and the thirty-eight other delegates from the various states who signed the Constitution.

Articles in Addition to, and Amendment of, the Constitution

Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Article II

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Article III

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article IV

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Article V

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article VI

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district

shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Article VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of the common law.

Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Article XI [1]

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Article XII [2]

The electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make

[1] Proposed, March 5, 1794; declared in force, January 8, 1798.

[2] Proposed, December 12, 1803; declared in force, September 25, 1804.

distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Article XIII[1]

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

[1] Proposed, February 1, 1865; declared in force, December 18, 1865.

Article XIV [1]

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such states, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

[1] Proposed June 16, 1866; declared in force, July 28, 1868.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Article XV[1]

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Article XVI[2]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states and without regard to any census or enumeration.

Article XVII[3]

Section 1. The Senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

Section 2. When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: provided, that the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

Section 3. This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

Article XVIII[4]

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

[1] Proposed, February 27, 1869; declared in force, March 30, 1870.
[2] Proposed, July 12, 1909; declared in force, February 25, 1913.
[3] Proposed, May 16, 1912; declared in force, May 31, 1913.
[4] Proposed, December 18, 1917; declared in force, January 16, 1920.

Section 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

Article XIX [1]

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of sex.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

[1] Proposed, June 4, 1919; declared in force, August 26, 1920.

16. DECREE ABOLISHING THE FEUDAL SYSTEM, 1789 [1]

THE National Assembly, at its famous night session of August 4–5, 1789, passed a large number of measures suppressing the special privileges of classes, cities, and provinces under the Old Régime. Within the following week all these measures were brought together into a single decree, which received the signature of Louis XVI. The decree did little more than register accomplished facts. Feudalism had already fallen, in consequence of the revolutionary movements throughout France; it was now legally abolished by the representatives of the nation.

DECREE ABOLISHING THE FEUDAL SYSTEM, 1789

I. The National Assembly hereby completely abolishes the feudal system. It decrees that, in the case of rights and dues, both feudal and *censuel*,[2] all those originating in real or personal serfdom or personal servitude, as well as the rights and dues representing them, shall be abolished without indemnification. All other dues are declared redeemable, the terms and mode of redemption to be fixed by the National Assembly. Those of the said dues which are not extinguished by this decree shall continue to be collected until indemnification shall take place.

II. The exclusive right to maintain pigeon-houses and dove-cotes is abolished. The pigeons shall be confined during the seasons fixed by the community. During such periods they shall be looked upon as game, and every one shall have the right to kill them upon his own land.

III. The exclusive right to hunt and to maintain uninclosed warrens is likewise abolished, and every land owner shall have the right to kill or to have destroyed on his own land all kinds of game, observing, however, such police regulations as may be established with a view to the safety of the public.

[1] *Translations and Reprints*, vol. i, No. 5, pp. 2–5.

[2] A reference to the perpetual due known as the *cens*.

All hunting captainries, including the royal forests, and all hunting rights under whatever denomination, are likewise abolished. Provision shall be made, in a manner compatible with the regard due to property and liberty, for maintaining the personal pleasures of the king.

The president of the Assembly shall be commissioned to ask of the king the recall of those sent to the galleys or exiled, simply for violation of the hunting regulations, as well as for the release of those at present imprisoned for offenses of this kind and the dismissal of such cases as now are pending.

IV. All manorial courts are hereby suppressed without indemnification. But the magistrates of these courts shall continue to perform their functions until such time as the National Assembly shall provide for the establishment of a new judicial system.

V. Tithes of every description, as well as the dues which have been substituted for them, under whatever denomination they are known or collected (even when compounded for), possessed by secular or regular congregations, by holders of benefices, members of corporations, including the Order of Malta and other religious and military orders, as well as those devoted to the maintenance of churches, those impropriated to lay persons and those substituted for the *portion congrue*,[1] are abolished, on condition, however, that some other method be devised to provide for the expenses of divine worship, the support of the officiating clergy, for the assistance of the poor, for repairs and rebuilding of churches and parsonages, and for the maintenance of all institutions, seminaries, schools, academies, asylums, and organizations to which the present funds are devoted. Until such provision shall take place and the former possessors shall enter upon the enjoyment of an income on the new system, the National Assembly decrees that the said tithes shall continue to be collected according to law and in the customary manner.

Other tithes, of whatever nature they may be, shall be redeemable in such manner as the Assembly shall determine. Until such regulations shall be issued, the National Assembly decrees that these, too, shall continue to be collected.

VI. All perpetual ground rents, payable either in money or in kind, of whatever nature they may be, whatever their origin and to whomsoever thay may be due, as to members of corporations, holders of the domain or of appanages, or to the Order of Malta,

[1] This refers to the minimum remuneration fixed for the priests.

shall be redeemable. *Champarts*[1] of every kind and under all denominations shall likewise be redeemable at a rate fixed by the Assembly. No due shall in the future be created which is not redeemable.

VII. The sale of judicial and municipal offices shall be suppressed forthwith. Justice shall be dispensed *gratis*. Nevertheless, the magistrates at present holding such offices shall continue to exercise their functions and to receive their emoluments, until the Assembly shall have made provision for indemnifying them.

VIII. The fees of the country priests are abolished, and shall be discontinued so soon as provision shall be made for increasing the minimum salary of the parish priests and the payment to the curates. A regulation shall be drawn up to determine the status of the priests in the towns.

IX. Pecuniary privileges, personal or real, in the payment of taxes are abolished forever. Taxes shall be collected from all the citizens, and from all property, in the same manner and in the same form. Plans shall be considered by which the taxes shall be paid proportionally by all, even for the last six months of the current year.

X. Inasmuch as a national constitution and public liberty are of more advantage to the provinces than the privileges which some of these enjoy, and inasmuch as the surrender of such privileges is essential to the intimate union of all parts of the realm, it is decreed that all the peculiar privileges, pecuniary or otherwise, of the provinces, principalities, districts, cantons, cities, and communes are once for all abolished and are absorbed into the law common to all Frenchmen.

XI. All citizens, without distinction of birth, are eligible to any office or dignity, whether ecclesiastical, civil, or military, and no profession shall imply any derogation.

XII. Hereafter no remittances shall be made for annates or for any other purpose to the court of Rome, the vice-legation at Avignon, or to the nunciature at Lucerne. The clergy of the diocese shall apply to their bishops in regard to the filling of benefices and dispensations, the which shall be granted *gratis* without regard to reservations, expectancies, and papal months, all the churches of France enjoying the same freedom.

[1] The *champart* was the lord's right to a certain portion of the crops on lands subject to the *cens*.

XIII. The rights of *deport*,[1] of *cotte-morte*,[2] *dépouilles*,[2] *vacat*,[1] *droits censaux*, Peter's pence, and other dues of the same kind, under whatever denomination, established in favor of bishops, arch-deacons, arch-presbyters, chapters, and regular congregations which formerly exercised priestly functions, are abolished, but appropriate provision shall be made for those benefices of arch-deacons and arch-presbyters which are not sufficiently endowed.

XIV. Pluralities shall not be permitted hereafter in cases where the revenue from the benefice or benefices held shall exceed the sum of three thousand livres. Nor shall any individual be allowed to enjoy several pensions from benefices, or a pension and a benefice, if the revenue which he already enjoys from such sources exceeds the same sum of three thousand livres.

XV. The National Assembly shall consider, in conjunction with the king, the report which is to be submitted to it relating to pensions, favors, and salaries, with a view to suppressing all such as are not deserved and reducing those which shall prove excessive, and the amount shall be fixed which the king may in the future disburse for this purpose.

XVI. The National Assembly decrees that a medal shall be struck in memory of the recent grave and important deliberations for the welfare of France, and that a *Te Deum* shall be chanted in gratitude in all the parishes and the churches of France.

XVII. The National Assembly solemnly proclaims the king, Louis XVI, the *Restorer of French Liberty*.

XVIII. The National Assembly shall present itself in a body before the king, in order to submit to him the decrees which have just been passed, to tender to him the tokens of its most respectful gratitude, and to pray him to permit the *Te Deum* to be chanted in his chapel and to be present himself at this service.

XIX. The National Assembly shall consider, immediately after the constitution, the drawing up of the laws necessary for the development of the principles which it has laid down in the present decree. The latter shall be transmitted without delay by the deputies to all the provinces, togther with the decree of the tenth of this month, in order that it may be printed, published, announced from parish pulpits, and posted up wherever it shall be deemed necessary.

[1] Rights of bishops to the income of benefices during vacancies.

[2] Rights of the convent to the clothes of its deceased members.

17. DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN, 1789 [1]

After the legal abolition of the feudal system the National Assembly proceeded to draw up the celebrated Declaration of the Rights of Man and of the Citizen. It was obviously framed on the model of the bills of rights inserted in several of the American state constitutions, which had been translated into French. The Declaration was prefixed to the French Constitution of 1791, and many of its clauses were subsequently reproduced in the constitutions framed in France and other Continental countries during the nineteenth century.

Declaration of the Rights of Man and of the Citizen, 1798

The representatives of the French people, organized as a National Assembly, believing that the ignorance, neglect, or contempt of the rights of man are the sole causes of public calamities and of the corruption of governments, have determined to set forth in a solemn declaration the natural, inalienable, and sacred rights of man, in order that this declaration, being constantly before all the members of the social body, shall remind them continually of their rights and duties; in order that the acts of the legislative power, as well as those of the executive power, may be compared at any moment with the ends of all political institutions and may thus be more respected; and, lastly, in order that the grievances of the citizens, based hereafter upon simple and incontestable principles, shall tend to the maintenance of the constitution and redound to the happiness of all. Therefore the National Assembly recognizes and proclaims in the presence and under the auspices of the Supreme Being the following rights of man and of the citizen:

I. Men are born and remain free and equal in rights. Social distinctions may only be founded upon the general good.

[1] *Translations and Reprints*, vol. i, No. 5, pp. 6–8.

II. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.

III. The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.

IV. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.

V. Law can only prohibit such actions as are hurtful to society. Nothing may be prevented which is not forbidden by law, and no one may be forced to do anything not provided for by law.

VI. Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its formation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities and without distinction, except that of their virtues and talents.

VII. No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing, or causing to be executed any arbitrary order shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offense.

VIII. The law shall provide for such punishments only as are strictly and obviously necessary, and no one shall suffer punishment except it be legally inflicted in virtue of a law, passed and promulgated before the commission of the offense.

IX. As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all severity not essential to the securing of the prisoner's person shall be severely repressed by law.

X. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.

XI. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly,

speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.

XII. The security of the rights of man and of the citizen requires military force. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be intrusted.

XIII. A common contribution is essential for the maintenance of the public forces and for the cost of administration. This should be equitably distributed among all the citizens in proportion to their means.

XIV. All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put; and to fix the proportion, the mode of assessment and of collection, and the duration of the taxes.

XV. Society has the right to require of every public agent an account of his administration.

XVI. A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.

XVII. Since property is an inviolable and sacred right, no one shall be deprived thereof except where public necessity, legally determined, shall clearly demand it, and then only on condition that the owner shall have been previously and equitably indemnified.

18. ADDRESS TO ALL PEOPLES, 1792 [1]

The conquest of the Austrian Netherlands by the revolutionary armies and the voluntary adhesion of Nice and Savoy to the French Republic filled the French with enthusiasm; they prepared to carry "Liberty, Equality, Fraternity" throughout Europe. The following decree, passed by the National Convention in December, 1792, was a direct challenge to autocratic rulers and privileged classes everywhere. Articles I, II, XI, and XII are of particular importance in this connection.

Address to All Peoples, 1792

The National Convention, after having heard the report of its united committees of finances, war, and diplomacy, faithful to the principles of the sovereignty of the people, which do not permit it to recognize any of the institutions that constitute an attack thereon, and wishing to settle the rules to be followed by the generals of the armies of the Republic in the countries where they shall carry its arms, decrees:

I. In the countries which are or shall be occupied by the armies of the Republic, the generals shall proclaim immediately, in the name of the French nation, the sovereignty of the people, the suppression of all the established authorities and of the existing imposts and taxes, the abolition of the tithe, of feudalism, of seignioral rights, both feudal and *censuel*, fixed or precarious, of *banalités*,[2] of real and personal servitude, of the privileges of hunting and fishing, of *corvées*,[3] of the nobility, and generally of all privileges.

II. They shall announce to the people that they bring them peace, assistance, fraternity, liberty, and equality, and that they will convoke them directly in primary or communal assemblies, in order to create and organize an administration and a provisional

[1] F. M. Anderson, *The Constitutions and Other Select Documents Illustrative of the History of France, 1789–1907*, pp. 130–133. Second Edition. Minneapolis, 1908. H. W. Wilson Company.

[2] Certain exclusive rights of a lord over mills, forests, fishing, etc.

[3] The *corvée* was the forced labor exacted of peasants on the highways.

judiciary; they shall look after the security of persons and property; they shall cause the present decree and the proclamation herewith annexed to be printed in the language or idiom of the country, and to be posted and executed without delay in each commune.

III. All the agents and civil and military officers of the former government, as well as the persons formerly reputed noble, or the members of any formerly privileged corporation, shall be, for this time only, inadmissable to vote in the primary or communal assemblies, and they shall not be elected to administrative positions or to the provisional judicial power.

IV. The generals shall directly place under the safeguard and protection of the French Republic all the movable and immovable goods belonging to the public treasury, to the prince, to his abettors, adherents, and voluntary satellites, to the public establishments, to the lay and ecclesiastical bodies and communities; they shall cause to be prepared without delay a detailed list thereof, which they shall dispatch to the executive council, and shall take all the measures which are in their power that these properties may be respected.

V. The provisional administration selected by the people shall be charged with the surveillance and control of the goods placed under the safeguard and protection of the French Republic; it shall look after the security of persons and property; it shall cause to be executed the laws in force relative to the trial of civil and criminal suits and to the police and the public security; it shall be charged to regulate and to cause the payment of the local expenses and those which shall be necessary for the common defense; it may establish taxes, provided, however, that they shall not be borne by the indigent and laboring portion of the people.

VI. When the provisional administration shall be organized, the National Convention shall appoint commissioners from within its own body to go to fraternize with it.

VII. The executive council shall also appoint national commissioners, who shall repair directly to the places in order to coöperate with the generals and the provisional administration selected by the people upon the measures to be taken for the common defense, and upon the means employed to procure the clothing and provisions necessary for the armies, and to meet the expenses which they have incurred and shall incur during their sojourn upon its territory.

VIII. The national commissioners appointed by the executive council shall every fifteen days render an account to it of their opera-

tions. The executive council shall approve, modify, or reject them and shall render an account thereof directly to the Convention.

IX. The provisional administration selected by the people and the functions of the national commissioners shall cease as soon as the inhabitants, after having declared the sovereignty and independence of the people, liberty, and equality, shall have organized a free and popular form of government.

X. There shall be made a list of the expenses which the French Republic shall have incurred for the common defense and of the sums which it may have received, and the French nation shall make arrangements with the government which shall have been established for that which may be due; and in case the common interest should require that the troops of the Republic remain beyond that time upon the foreign territory, it shall take suitable measures to provide for their subsistence.

XI. The French nation declares that it will treat as enemies the people who, refusing liberty and equality, or renouncing them, may wish to preserve, recall, or treat with the prince and the privileged castes; it promises and engages not to subscribe to any treaty, and not to lay down its arms, until after the establishment of the sovereignty and independence of the people whose territory the troops of the Republic have entered upon, and who shall have adopted the principles of equality and established a free and popular government.

XII. The executive council shall dispatch the present decree by extraordinary couriers to all the generals and shall take the necessary measures to assure the execution of it.

The French People to the . . . People

Brothers and friends, we have conquered liberty and we shall maintain it. We offer to cause you to enjoy this inestimable blessing, which has always belonged to us and which our oppressors have not been able to take away from us without crime.

We have driven out your tyrants: show yourselves free men and we will guarantee you from their vengeance, their projects, and their return.

From this moment the French nation proclaims the sovereignty of the people, the suppression of all the civil and military authorities which have governed you up to this day, and of all the imposts which you support under whatever form they exist; the abolition of the tithe, of feudalism, of seignioral rights, both feudal and *censuel*,

settled or precarious, of *banalités*, of real and personal servitude, of the privileges of hunting and fishing, of the *corvées*, of the *gabelle*,[1] of the tolls, of the *octrois*,[2] and generally of every species of taxes with which you have been charged by your usurpers; it also proclaims the abolition among you of every noble corporation, sacerdotal and others, of all prerogatives and privileges contrary to equality. You are from this moment brothers and friends, all citizens, all equal in rights, and all equally called to govern, to serve, and to defend your fatherland.

Form yourselves, immediately, into primary and communal assemblies, make haste to establish your provisional administrations and judiciaries, in conformity with the provisions of Article III of the above decree. The agents of the French Republic will coöperate with you, in order to assure your welfare and the fraternity which ought to exist henceforth between us.

[1] The salt tax.

[2] Taxes levied on commodities, especially provisions, when brought into a town.

19. WASHINGTON'S FAREWELL ADDRESS, 1796 [1]

WASHINGTON planned to retire from public life at the close of his first term of office. As early as 1792, accordingly, he asked James Madison to prepare for him a valedictory address to the American people. His acceptance of a second term led to Madison's draft being set aside for the next four years. Washington then amplified it and sent it to Alexander Hamilton for revision. Hamilton, with the assistance of John Jay, prepared an entirely new draft, of which Washington made extensive use. The address thus embodies the ideas of three American statesmen, besides those of its author. It was not intended for oral delivery, but was first published in a Philadelphia newspaper, the *American Daily Advertiser*, in its issue of September 19, 1796.

WASHINGTON'S FAREWELL ADDRESS, 1796

Friends and Fellow Citizens

I. The period for a new election of a citizen, to administer the executive government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service — which silence in my situation might imply — I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

[1] George Washington, *Writings*, vol. xiii, pp. 277–325. Edited by W. C. Ford. New York, 1889–1893. G. P. Putnam's Sons.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire. * * *

The impressions, with which I first undertook the arduous trust, were explained on the proper occasion.[1] In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude, which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and perse-

[1] In his Inaugural Address of April 30, 1789.

vering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that Heaven may continue to you the choicest token of its beneficence — that your union and brotherly affection may be perpetual — that the free Constitution, which is the work of your hands, may be sacredly maintained — that its administration in every department may be stamped with wisdom and virtue — that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.[1]

II. Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

III. The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity

[1] In his *Circular Letter* to the governors of the states, June 8, 1783.

at home, your peace abroad; of your safety; of your prosperity in every shape; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional sources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the

North, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications, by land and water, will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in Union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from Union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government; which their own rivalships alone would be sufficient to produce; but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole,

with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

IV. In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations — Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity.[1] Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

V. To the efficiency and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in

[1] Reference is here made to the Jay Treaty of 1795, adjusting our relations with Great Britain, and to the Pinckney Treaty by which Spain granted free navigation of the Mississippi to our citizens.

all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government better calculated than your former for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of a party — often a small but artful and enterprising minority of the community — and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

VI. Toward the preservation of your government, and the perma-

nency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

VII. I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief

of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public counsels and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the doors to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose, and, there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

VIII. It is important, likewise, that the habits of thinking in a free country should inspire caution, in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient

and modern: some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

IX. Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

X. As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions

of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should coöperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

XI. Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

XII. In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody con-

tests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favored nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base of foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public counsels! Such an attachment of a small or weak, toward a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence I conjure you to believe me, fellow citizens, the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation, and

excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

XIII. The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality, we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy.) I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing, with powers so disposed — in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them — conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

XIV. In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish, that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But, if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

XV. In relating to the still subsisting war in Europe,[1] my proclamation[2] of the 22nd of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me; uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

XVI. Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

[1] A reference to the war waged by the Second Coalition against republican France.

[2] Washington's Proclamation of Neutrality.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government — the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

20. HOLY ALLIANCE, 1815

THIS document was signed on September 26, 1815, by Alexander I, tsar of Russia, Francis I, emperor of Austria, and Frederick William III, king of Prussia. The signatures of other European sovereigns were subsequently added. George IV, the British Prince Regent, declined to sign it, on the constitutional ground that all acts of the Crown required the countersignature of a minister, but he expressed his entire concurrence with its principles. The Pope and the Sultan were not invited to accede to the declaration. The Holy Alliance originated with Alexander I, who after the Napoleonic wars sincerely desired to provide some basis for a general confederation of Europe in the interest of universal peace and international morality. The association thus formed came to be erroneously considered a conspiracy against popular liberty, because of the reactionary policies followed by the European monarchs after 1815. As a matter of fact, the Holy Alliance never became effective; it was soon replaced by definite treaties between the great powers who formed the European Concert. At the close of the nineteenth century, however, it furnished the inspiration for the Peace Circular of Nicholas II, which resulted in the First Hague Conference of 1899.

HOLY ALLIANCE, 1815

In the Name of the Most Holy and Indivisible Trinity

Their Majesties, the emperor of Austria, the king of Prussia, and the emperor of Russia, having, in consequence of the great events which have marked the course of the last three years in Europe, and especially of the blessings which it has pleased divine Providence to shower down upon those states which place their confidence and their hope on it alone, acquired the intimate conviction of the necessity of settling the steps to be observed by the powers,

[1] Edward Hertslet, *The Map of Europe by Treaty*, vol. i, pp. 317–319. London, 1875–1891.

in their reciprocal relations, upon the sublime truths which the holy religion of our Savior teaches;

They solemnly declare that the present act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective states and in their political relations with every other government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, Christian charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of princes and guide all their steps, as being the only means of consolidating human institutions and remedying their imperfections. In consequence, their Majesties have agreed on the following articles:

I. Conformably to the words of the Holy Scriptures, which command all men to consider each other as brethren, the three contracting monarchs will remain united by the bonds of a true and indissoluble fraternity; and, considering each other as fellow countrymen, they will, on all occasions and in all places, lend each other aid and assistance; and, regarding themselves toward their subjects and armies as fathers of families, they will lead them, in the same spirit of fraternity with which they are animated, to protect religion, peace, and justice.

II. In consequence, the sole principle of force, whether between the said governments or between their subjects, shall be that of doing each other reciprocal service, and of testifying by unalterable good-will the mutual affection with which they ought to be animated, to consider themselves all as members of one and the same Christian nation; the three allied princes looking on themselves as merely delegated by Providence to govern three branches of the one family, namely, Austria, Prussia, and Russia, thus confessing that the Christian world, of which they and their people form a part, has in reality no other sovereign than Him to whom alone power really belongs, because in Him alone are found all the treasures of love, science, and infinite wisdom, that is to say, God, our divine Savior, the Word of the Most High, the Word of Life. Their Majesties consequently recommend to their people, with the most tender solicitude, as the sole means of enjoying that peace which arises from a good conscience and which alone is durable, to strengthen themselves every day more and more in the principles and exercise of the duties which the divine Savior has taught to mankind.

III. All the powers who shall choose solemnly to avow the sacred principles which have dictated the present act, and shall acknowledge how important it is for the happiness of nations, too long agitated, that these truths should henceforth exercise over the destinies of mankind all the influence which belongs to them, will be received with equal ardor and affection into this Holy Alliance.

Done in triplicate, and signed at Paris, the year of grace, 1815, September, 14/26.

21. MONROE DOCTRINE, 1823 [1]

The circumstances giving rise to the promulgation of the Monroe Doctrine are familiar to every student of American history. The downfall of Napoleon had been followed by the restoration of the old "legitimate" dynasties in Europe and the revival of absolutism, privilege, and divine right. In order to cope with liberal movements which might threaten the security of their thrones, the allied sovereigns resorted to armed intervention. Austrian troops in 1821 suppressed two revolutionary outbreaks in Italy, and French soldiers in 1823 put down a revolution in Spain. The sovereigns then prepared to extend their activities to Spain's American colonies, which had thrown off their allegiance to the mother country. Great Britain and the United States felt thoroughly alarmed at this prospect of European interference in the affairs of the New World. Both countries sympathized with the republican movement in Spanish America and both had commercial interests there which would have been destroyed if Spain, after subduing the revolted colonies, were allowed to revive her old monopolistic policies. Another cause for anxiety was found in the situation on the northwestern coast of North America, where Russia seemed likely to extend her influence southward to Oregon and even to California. The attitude of the United States (and that of Great Britain as well) found expression in President Monroe's seventh annual message to Congress, December 2, 1823. The doctrine which the President set forth was, of course, not new with him; its roots may be found in the writings and speeches of Jefferson and John Adams, and especially in Washington's Farewell Address.

[1] J. D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789–1897*, vol. ii, pp. 209, 217–219. Washington, 1896–1899.

Monroe Doctrine, 1823

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I. At the proposal of the Russian imperial government, made through the minister of the emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by his imperial Majesty to the government of Great Britain, which has likewise been acceded to. The government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the emperor, and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise, and the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

II. It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly, in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers.

The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between these new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security.

III. The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just

claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspiciously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

22. CHARTIST PETITION, 1838 [1]

The movement called Chartism arose in Great Britain as a consequence of the failure of the Reform Act of 1832 to enfranchise the working classes. The nature of the movement is well set forth in the following petition, which was drawn up by the Council of the Birmingham Union. It contains five of the so-called Six Points of the petition presented to the House of Commons in 1848. The sixth point — equal electoral districts — was omitted, perhaps because it was considered a corollary of universal suffrage. The student will notice that the petitioners demanded political, not economic, reforms; they wanted Great Britain to be a truly democratic country. The only Chartist proposal which has not subsequently been incorporated in legislation was that for annual Parliaments. The maximum length of any Parliament, however, is now limited to five years.

Chartist Petition, 1838

To the honorable the Commons of Great Britain and Ireland, in Parliament assembled, the petition of the undersigned, their suffering countrymen, humbly showeth:

I. That we, your petitioners, dwell in a land whose merchants are noted for their enterprise, whose manufacturers are very skillful, and whose workmen are proverbial for their industry. The land itself is goodly, the soil rich, and the temperature wholesome. It is abundantly furnished with the materials of commerce and trade. It has numerous and convenient harbors. In facility of internal communication it exceeds all others. For three and twenty years we have enjoyed a profound peace. Yet, with all the elements of national prosperity, and with every disposition and capacity to take advantage of them, we find ourselves overwhelmed with public and private suffering. We are bowed down under a load of taxes,

[1] R. G. Gammage, *History of the Chartist Movement*, pp. 87–90. Newcastle-on-Tyne, 1894.

which, notwithstanding, fall greatly short of the wants of our rulers. Our traders are trembling on the verge of bankruptcy; our workmen are starving. Capital brings no profit, and labor no remuneration. The home of the artificer is desolate, and the warehouse of the pawnbroker is full. The workhouse is crowded, and the manufactory is deserted. We have looked on every side; we have searched diligently in order to find out the causes of distress so sore and so long continued. We can discover none in nature or in Providence. Heaven has dealt graciously by the people, nor have the people abused its grace, but the foolishness of our rulers has made the goodness of God of none effect. The energies of a mighty kingdom have been wasted in building up the power of selfish and ignorant men, and its resources squandered for their aggrandizement. The good of a part has been advanced at the sacrifice of the good of the nation. The few have governed for the interest of the few, while the interests of the many have been sottishly neglected, or insolently and tyrannously trampled upon.

II. It was the fond expectation of the friends of the people that a remedy for the greater part, if not for the whole of their grievances, would be found in the Reform Act of 1832. They regarded that act as a wise means to a worthy end, as the machinery of an improved legislation, where the will of the masses would be at length potential. They have been bitterly and basely deceived. The fruit, which looked so fair to the eye, has turned to dust and ashes when gathered. The Reform Act has effected a transfer of power from one domineering faction to another, and left the people as helpless as before. Our slavery has been exchanged for an apprenticeship to liberty, which has aggravated the painful feelings of our social degradation, by adding to them the sickening of still deferred hope. We come before your honorable house to tell you, with all humility, that this state of things must not be permitted to continue. That it cannot long continue, without very seriously endangering the stability of the throne, and the peace of the kingdom, and that if, by God's help, and all lawful and constitutional appliances, an end can be put to it, we are fully resolved that it shall speedily come to an end. We tell your honorable house that the capital of the master must no longer be deprived of its due profit; that the labor of the workman must no longer be deprived of its due reward. That the laws which make food dear, and the laws which make money scarce, must be abolished. That taxation must be made to fall on property, not on industry. That the

good of the many, as it is the only legitimate end, so must it be the sole study of the government.

III. As a preliminary essential to these and other requisite changes — as the means by which alone the interests of the people can be effectually vindicated and secured, we demand that those interests be confided to the keeping of the people. When the State calls for defenders, when it calls for money, no consideration of poverty or ignorance can be pleaded in refusal or delay of the call. Required, as we are universally, to support and obey the laws, nature and reason entitle us to demand that in the making of the laws the universal voice shall be implicitly listened to. We perform the duties of freemen; we must have the privileges of freemen. Therefore, we demand universal suffrage. The suffrage, to be exempt from the corruption of the wealthy and the violence of the powerful, must be secret. The assertion of our right necessarily involves the power of our uncontrolled exercise. We ask for the reality of a good, not for its semblance, therefore we demand the ballot. The connection between the representatives and the people, to be beneficial, must be intimate. The legislative and constituent powers, for correction and for instruction, ought to be brought into frequent contact. Errors which are comparatively light, when susceptible of a speedy popular remedy, may produce the most disastrous effects when permitted to grow inveterate through years of compulsory endurance. To public safety, as well as public confidence, frequent elections are essential. Therefore, we demand annual parliaments. With power to choose, and freedom in choosing, the range of our choice must be unrestricted. We are compelled, by the existing laws, to take for our representatives men who are incapable of appreciating our difficulties, or have little sympathy with them; merchants who have retired from trade and no longer feel its harassings; proprietors of land who are alike ignorant of its evils and its cure; lawyers by whom the notoriety of the senate is courted only as a means of obtaining notice in the courts. The labors of a representative who is sedulous in the discharge of his duty are numerous and burdensome. It is neither just, nor reasonable, nor safe, that they should continue to be gratuitously rendered. We demand that in the future election of members of your honorable house the approbation of the constituency shall be the sole qualification, and that, to every representative so chosen, shall be assigned out of the public taxes a fair and adequate remuneration for the time which he is called upon to devote to the public service.

IV. The management of this mighty kingdom has hitherto been a subject for contending factions to try their selfish experiments upon. We have felt the consequences in our sorrowful experience. Short glimmerings of uncertain enjoyment, swallowed up by long and dark seasons of suffering. If the self-government of the people should not remove their distresses, it will, at least, remove their repinings. Universal suffrage will, and it alone can, bring true and lasting peace to the nation; we firmly believe that it will also bring prosperity. May it therefore please your honorable house to take this our petition into your most serious consideration, and to use your utmost endeavors, by all constitutional means, to have a law passed granting to every male of lawful age, sane mind, and unconvicted of crime, the right of voting for members of Parliament, and directing all future elections of members of Parliament to be in the way of secret ballot, and ordaining that the duration of Parliament, so chosen, shall in no case exceed one year, and abolishing all property qualifications in the members, and providing for their due remuneration while in attendance on their parliamentary duties.

"And your petitioners shall ever pray."

23. DURHAM REPORT, 1839 [1]

The relations between the original French population of Canada and the American "Tories" and British emigrants who settled there after the Revolutionary War long remained unfriendly. The antagonism of the two peoples was especially marked in Lower Canada, where the French outnumbered the British three to one. After the failure of the Rebellion of 1837, Great Britain sent Lord Durham as High Commissioner to investigate the political situation in Canada. In his Report Lord Durham recommended that Upper Canada (Ontario) and Lower Canada (Quebec) be joined in a legislative union, in order to bring about a peaceful fusion of Frenchmen and Englishmen under a common government. This action was immediately taken, thus preparing the way for the Dominion of Canada in 1867. The High Commissioner also recommended that the fullest liberty be accorded the legislature of the united provinces, so that in the future they should be uncontrolled by the mother country, except in foreign affairs and other matters of strictly imperial interest. His arguments for colonial self-government produced a lasting effect on British policy. Not only did Great Britain grant free parliamentary institutions to Canada, but she has also bestowed them upon her other white dominions in Australasia and South Africa

Durham Report, 1839

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I. Such are the lamentable results of the political and social evils which have so long agitated the Canadas; and such is their condition that, at the present moment, we are called on to take immediate precautions against dangers so alarming as those of rebellion, foreign invasion, and utter exhaustion and depopulation. When I look on the various and deep-rooted causes of mischief which the past

[1] *The Report of the Earl of Durham*, pp. 203–208, 229–231. Second Edition. London, 1905. Methuen and Company.

inquiry has pointed out as existing in every institution, in the constitutions, and in the very composition of society throughout a great part of these provinces, I almost shrink from the apparent presumption of grappling with these gigantic difficulties. Nor shall I attempt to do so in detail. I rely on the efficacy of reform in the constitutional system by which these colonies are governed, for the removal of every abuse in their administration which defective institutions have engendered. If a system can be devised which shall lay in these countries the foundation of an efficient and popular government, insure harmony, in place of collision, between the various powers of the State, and bring the influence of a vigorous public opinion to bear on every detail of public affairs, we may rely on sufficient remedies being found for the present vices of the administrative system.

The preceding pages have sufficiently pointed out the nature of those evils, to the extensive operation of which I attribute the various practical grievances and the present unsatisfactory condition of the North American colonies.

II. It is not by weakening but strengthening the influence of the people on its government; by confining within much narrower bounds than those hitherto allotted to it, and not by extending the interference of the imperial authorities in the details of colonial affairs, that I believe that harmony is to be restored where dissension has so long prevailed; and a regularity and vigor hitherto unknown introduced into the administration of these provinces. It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution, and introduce into the government of these great colonies those wise provisions by which alone the working of the representative system can in any country be rendered harmonious and efficient. We are not now to consider the policy of establishing representative government in the North American colonies. That has been irrevocably done, and the experiment of depriving the people of their present constitutional power is not to be thought of. To conduct their government harmoniously, in accordance with its established principles, is now the business of its rulers; and I know not how it is possible to secure that harmony in any other way than by administering the government on those principles which have been

found perfectly efficacious in Great Britain. I would not impair a single prerogative of the Crown; on the contrary, I believe that the interests of the people of these colonies require the protection of prerogatives which have not hitherto been exercised. But the Crown must, on the other hand, submit to the necessary consequences of representative institutions; and if it has to carry on the government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence.

In England this principle has been so long considered an indisputable and essential part of our constitution, that it has really hardly ever been found necessary to inquire into the means by which its observance is enforced. When a ministry ceases to command a majority in Parliament on great questions of policy, its doom is immediately sealed; and it would appear to us as strange to attempt, for any time, to carry on a government by means of ministers perpetually in a minority, as it would be to pass laws with a majority of votes against them. The ancient constitutional remedies, by impeachment and a stoppage of the supplies, have never, since the reign of William III, been brought into operation for the purpose of removing a ministry. They have never been called for, because, in fact, it has been the habit of ministers rather to anticipate the occurrence of an absolutely hostile vote, and to retire, when supported only by a bare and uncertain majority. If colonial legislatures have frequently stopped the supplies, if they have harassed public servants by unjust or harsh impeachments, it was because the removal of an unpopular administration could not be effected in the colonies by those milder indications of a want of confidence which have always sufficed to attain the end in the mother country.

III. The means which have occasionally been proposed in the colonies themselves appear to me by no means calculated to attain the desired end in the best way. These proposals indicate such a want of reliance on the willingness of the imperial government to acquiesce in the adoption of a better system, as, if warranted, would render an harmonious adjustment of the different powers of the State utterly hopeless. An elective executive council would not only be utterly inconsistent with monarchical government, but would really, under the nominal authority of the Crown, deprive the community of one of the great advantages of an hereditary monarchy. Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the

colonial governor to be instructed to secure the coöperation of the assembly in his policy, by intrusting its administration to such men as could command a majority; and if he were given to understand that he need count on no aid from home in any difference with the assembly that should not directly involve the relations between the mother country and the colony. This change might be effected by a single dispatch containing such instructions; or, if any legal enactment were requisite, it would only be one that would render it necessary that the official acts of the governor should be countersigned by some public functionary. This would induce responsibility for every act of the government, and, as a natural consequence, it would necessitate the substitution of a system of administration, by means of competent heads of departments, for the present rude machinery of an executive council. The governor, if he wished to retain advisers not possessing the confidence of the existing assembly, might rely on the effect of an appeal to the people, and, if unsuccessful, he might be coerced by a refusal of supplies, or his advisers might be terrified by the prospect of impeachment. But there can be no reason for apprehending that either party would enter on a contest, when each would find its interest in the maintenance of harmony; and the abuse of the powers which each would constitutionally possess would cease when the struggle for larger powers became unnecessary. Nor can I conceive that it would be found impossible or difficult to conduct a colonial government with precisely that limitation of the respective powers which has been so long and so easily maintained in Great Britain.

IV. I know that it has been urged that the principles which are productive of harmony and good government in the mother country are by no means applicable to a colonial dependency. It is said that it is necessary that the administration of a colony should be carried on by persons nominated without any reference to the wishes of its people; that they have to carry into effect the policy, not of that people, but of the authorities at home; and that a colony which should name all its own administrative functionaries, would, in fact, cease to be dependent. I admit that the system which I propose would, in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave to them the execution of the laws, of which we have long intrusted the making solely to them. Perfectly aware of the value of our colonial possessions, and strongly impressed with the necessity of maintain-

ing our connection with them, I know not in what respect it can be desirable that we should interfere with their internal legislation in matters which do not affect their relations with the mother country. The matters which so concern us are very few. The constitution of the form of government, the regulation of foreign relations and of trade with the mother country, the other British colonies, and foreign nations, and the disposal of the public lands, are the only points on which the mother country requires a control. This control is now sufficiently secured by the authority of the imperial legislature; by the protection which the colony derives from us against foreign enemies; by the beneficial terms which our laws secure to its trade; and by its share of the reciprocal benefits which would be conferred by a wise system of colonization. A perfect subordination, on the part of the colony, on these points, is secured by the advantages which it finds in the continuance of its connection with the empire. It certainly is not strengthened, but greatly weakened, by a vexatious interference on the part of the home government with the enactment of laws for regulating the internal concerns of the colony, or in the selection of the persons intrusted with their execution. The colonists may not always know what laws are best for them, or which of their countrymen are the fittest for conducting their affairs; but, at least, they have a greater interest in coming to a right judgment on these points, and will take greater pains to do so, than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the empire. If the colonists make bad laws and select improper persons to conduct their affairs, they will generally be the only, always the greatest, sufferers; and, like the people of other countries, they must bear the ills which they bring on themselves until they choose to apply the remedy. But it surely cannot be the duty or the interest of Great Britain to keep a most expensive military possession of these colonies, in order that a governor or secretary of state may be able to confer colonial appointments on one rather than another set of persons in the colonies. For this is really the only question at issue.[1]

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V. But while I convince myself that such desirable ends would

[1] Lord Durham then went on to urge that the Canadian government should be British, and that the numerical superiority of the French in Lower Canada might be overcome by a legislative union of Upper Canada and Lower Canada, which would give an English-speaking majority.

be secured by a legislative union of the two provinces, I am inclined to go further, and inquire whether all these objects would not more surely be attained by extending this legislative union over all the British provinces in North America; and whether the advantages which I anticipate for two of them, might not, and should not, in justice be extended over all. Such an union would at once decisively settle the question of races; it would enable all the provinces to co-operate for all common purposes; and, above all, it would form a great and powerful people, possessing the means of securing good and responsible government for itself, and which, under the protection of the British Empire, might in some measure counterbalance the preponderant and increasing influence of the United States on the American continent. I do not anticipate that a colonial legislature thus strong and thus self-governing would desire to abandon the connection with Great Britain. On the contrary, I believe that the practical relief from undue interference, which would be the result of such a change, would strengthen the present bond of feelings and interests; and that the connection would only become more durable and advantageous by having more of equality, of freedom, and of local independence. But, at any rate, our first duty is to secure the well-being of our colonial countrymen; and if in the hidden decrees of that wisdom by which this world is ruled it is written that these countries are not forever to remain portions of the empire, we owe it to our honor to take good care that, when they separate from us, they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern itself.

VI. I am, in truth, so far from believing that the increased power and weight that would be given to these colonies by union would endanger their connection with the empire, that I look to it as the only means of fostering such a national feeling throughout them as would effectually counterbalance whatever tendencies may now exist toward separation. No large community of free and intelligent men will long feel contented with a political system which places them, because it places their country, in a position of inferiority to their neighbors. The colonist of Great Britain is linked, it is true, to a mighty empire; and the glories of its history, the visible signs of its present power, and the civilization of its people are calculated to raise and gratify his national pride. But he feels, also, that his link to that empire is one of remote dependence; he catches but passing and inadequate glimpses of its power and prosperity; he knows that

in its government he and his own countrymen have no voice. While his neighbor on the other side of the frontier assumes importance, from the notion that his vote exercises some influence on the councils, and that he himself has some share in the onward progress of a mighty nation, the colonist feels the deadening influence of the narrow and subordinate community to which he belongs. In his own, and in the surrounding colonies, he finds petty objects occupying petty, stationary, and divided societies; and it is only when the chances of an uncertain and tardy communication bring intelligence of what has passed a month before on the other side of the Atlantic, that he is reminded of the empire with which he is connected. But the influence of the United States surrounds him on every side, and is forever present. It extends itself as population augments and intercourse increases: it penetrates exery portion of the continent into which the restless spirit of American speculation impels the settler or the trader; it is felt in all the transactions of commerce, from the important operations of the monetary system down to the minor details of ordinary traffic; it stamps on all the habits and opinions of the surrounding countries the common characteristics of the thoughts, feelings, and customs of the American people. Such is necessarily the influence which a great nation exercises on the small communities which surround it. Its thoughts and manners subjugate them, even when nominally independent of its authority. If we wish to prevent the extension of this influence, it can only be done by raising up for the North American colonist some nationality of his own; by elevating these small and unimportant communities into a society having some objects of a national importance; and by thus giving their inhabitants a country which they will be unwilling to see absorbed even into one more powerful.

VII. While I believe that the establishment of a comprehensive system of government, and of an effectual union between the different provinces, would produce this important effect on the general feelings of their inhabitants, I am inclined to attach very great importance to the influence which it would have in giving greater scope and satisfaction to the legitimate ambition of the most active and prominent persons to be found in them. As long as personal ambition is inherent in human nature, and as long as the morality of every free and civilized community encourages its aspirations, it is one great business of a wise government to provide for its legitimate development. If, as it is commonly asserted, the disorders of these colonies

have, in great measure, been fomented by the influence of designing and ambitious individuals, this evil will best be remedied by allowing such a scope for the desires of such men as shall direct their ambition into the legitimate chance of furthering, and not of thwarting, their government. By creating high prizes in a general and responsible government, we shall immediately afford the means of pacifying the turbulent ambitions, and of employing in worthy and noble occupations, the talents which now are only exerted to foment disorder. We must remove from these colonies the cause to which the sagacity of Adam Smith traced the alienation of the provinces which now form the United States: we must provide some scope for what he calls "the importance" of the leading men in the colony, beyond what he forcibly terms the present "petty prizes of the paltry raffle of colonial faction." A general legislative union would elevate and gratify the hopes of able and aspiring men. They would no longer look with envy and wonder at the great arena of the bordering federation, but see the means of satisfying every legitimate ambition in the high offices of the judicature and executive government of their own union.

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24. COMMUNIST MANIFESTO, 1848[1]

THE classic statement of modern socialism is the Communist Manifesto prepared by Karl Marx and his coworker, Friedrich Engels, to serve as a platform for a socialist organization which had established itself in London. The document was first published in 1848, shortly before the outbreak of the "February Revolution" on the Continent. Translations of it have since been made into many languages. As Engels declared in 1888, it is "undoubtedly the most widespread, the most international production of all socialistic literature, the common platform acknowledged by millions of workingmen from Siberia to California." The work consists of three sections, of which the first, or historical section, on the bourgeoisie and the proletariat, is here reproduced in its entirety.

COMMUNIST MANIFESTO, 1848

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I. The history of all hitherto existing society is the history of class struggles.

Freeman and slave, patrician and plebeian, lord and serf, guild master[2] and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended either in a revolutionary reconstitution of society at large or in the common ruin of the contending classes.

In the earlier epochs of history we find almost everywhere a complicated arrangement of society into various orders, a manifold gradation of social rank. In ancient Rome we have patricians, knights, plebeians, slaves; in the Middle Ages, feudal lords, vassals, guild masters, journeymen, apprentices, serfs; in almost all of these classes, again, subordinate gradations.

[1] Karl Marx and Friedrich Engels, *Manifesto of the Communist Party*, pp. 12–29. Authorized English translation, edited by Friedrich Engels. Chicago, 1888. Charles H. Kerr and Company.

[2] Guild master, that is, a full member of a guild.

The modern bourgeois society that has sprouted from the ruins of feudal society has not done away with class antagonisms. It has but established new classes, new conditions of oppression, new forms of struggle in place of the old ones.

Our epoch, the epoch of the bourgeoisie, possesses, however, this distinctive feature; it has simplified the class antagonisms. Society as a whole is more and more splitting up into two great hostile camps, into the two great classes directly facing each other: bourgeoisie and proletariat.

From the serfs of the Middle Ages sprang the chartered burghers of the earliest towns. From these burgesses the first elements of the bourgeoisie were developed.

The discovery of America, the rounding of the Cape, opened up fresh ground for the rising bourgeoisie. The East Indian and Chinese markets, the colonization of America, trade with the colonies, the increase in the means of exchange and in commodities generally, gave to commerce, to navigation, to industry, an impulse never before known, and thereby, to the revolutionary element in the tottering feudal society, a rapid development.

The feudal system of industry, under which industrial production was monopolized by close guilds, now no longer sufficed for the growing wants of the new markets. The manufacturing system took its place. The guild masters were pushed on one side by the manufacturing middle class; division of labor between the different corporate guilds vanished in the face of division of labor in each single workshop.

Meantime the markets kept ever growing, the demand, ever rising. Even manufacture no longer sufficed. Thereupon steam and machinery revolutionized industrial production. The place of manufacture was taken by the giant, modern industry, the place of the industrial middle class, by industrial millionaires, the leaders of whole industrial armies, the modern bourgeoisie.

Modern industry has established the world market for which the discovery of America paved the way. This market has given an immense development to commerce, to navigation, to communication by land. This development has, in its turn, reacted on the extension of industry; and in proportion as industry, commerce, navigation, railways extended, in the same proportion the bourgeoisie developed, increased its capital, and pushed into the background every class handed down from the Middle Ages.

We see, therefore, how the modern bourgeoisie is itself the prod-

uct of a long course of development, of a series of revolutions in the modes of production and of exchange.

II. Each step in the development of the bourgeoisie was accompanied by a corresponding political advance of that class. An oppressed class under the sway of the feudal nobility, an armed and self-governing association in the medieval commune,[1] here independent urban republic (as in Italy and Germany), there taxable Third Estate of the monarchy (as in France), afterwards, in the period of manufacture proper, serving either the semi-feudal or the absolute monarchy as the counterpoise against the nobility, and, in fact, cornerstone of the great monarchies in general, the bourgeoisie has at last, since the establishment of modern industry and of the world market, conquered for itself in the modern representative state exclusive political sway. The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie.

III. The bourgeoisie, historically, has played a most revolutionary part.

The bourgeoisie, wherever it has got the upper hand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his "natural superiors," and has left remaining no other nexus between man and man than naked self-interest, than callous "cash payment." It has drowned the most heavenly ecstasies of religious fervor, of chivalrous enthusiasm, of philistine sentimentalism, in the icy water of egotistical calculation. It has resolved personal worth into exchange value, and in place of the numberless indefeasible chartered freedoms, has set up that single, unconscionable freedom — free trade. In one word, for exploitation veiled by religious and political illusions, it has substituted naked, shameless, direct, brutal exploitation.

The bourgeoisie has stripped of its halo every occupation hitherto honored and looked up to with reverent awe. It has converted the physician, the lawyer, the priest, the poet, the man of science, into its paid wage earners.

The bourgeoisie has torn away from the family its sentimental veil, and has reduced the family relation to a mere money relation.

IV. The bourgeoisie has disclosed how it came to pass that the brutal display of vigor in the Middle Ages, which reactionists so much admire, found its fitting complement in the most slothful indolence.

[1] "Commune" was the name taken, in France, by the rising towns, even before the townsmen had secured local self-government as the Third Estate.

It has been the first to show what man's activity can bring about. It has accomplished wonders far surpassing Egyptian pyramids, Roman aqueducts, and Gothic cathedrals; it has conducted expeditions that put in the shade all former exoduses of nations and crusades.

The bourgeoisie cannot exist without constantly revolutionizing the instruments of production, and thereby the relations of production, and with them the whole relations of society. Conservation of the old modes of production in unaltered form was, on the contrary, the first condition of existence for all earlier industrial classes. Constant revolutionizing of production, uninterrupted disturbance of all social conditions, everlasting uncertainty and agitation distinguish the bourgeois epoch from all earlier ones. All fixed, fast-frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away, all new-formed ones become antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned, and man is at last compelled to face with sober senses his real conditions of life and his relations with his kind.

The need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe. It must nestle everywhere, settle everywhere, establish connections everywhere.

The bourgeoisie has, through its exploitation of the world market, given a cosmopolitan character to production and consumption in every country. To the great chagrin of reactionists, it has drawn from under the feet of industry the national ground on which it stood. All old-established national industries have been destroyed or are daily being destroyed. They are dislodged by new industries, whose introduction becomes a life-and-death question for all civilized nations, by industries that no longer work up indigenous raw material, but raw material drawn from the remotest zones; industries whose products are consumed, not only at home, but in every quarter of the globe. In place of the old wants, satisfied by the productions of the country, we find new wants, requiring for their satisfaction the products of distant lands and climes. In place of the old local and national seclusion and self-sufficiency, we have intercourse in every direction, universal interdependence of nations. And as in material, so also in intellectual production. The intellectual creations of individual nations become common property. National one-sidedness and narrow-mindedness become more and more impossible, and from the numerous national and local literatures there arises a world literature.

The bourgeoisie, by the rapid improvement of all instruments of production, by the immensely facilitated means of communication, draws all, even the most barbarian, nations into civilization. The cheap prices of its commodities are the heavy artillery with which it batters down all Chinese walls, with which it forces the barbarians' intensely obstinate hatred of foreigners to capitulate. It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them to introduce what it calls civilization into their midst, *i.e.*, to become bourgeois themselves. In a word, it creates a world after its own image.

The bourgeoisie has subjected the country to the rule of the towns. It has created enormous cities, has greatly increased the urban population as compared with the rural, and has thus rescued a considerable part of the population from the idiocy of rural life. Just as it has made the country dependent on the towns, so it has made barbarian and semi-barbarian countries dependent on the civilized ones, nations of peasants on nations of bourgeois, the East on the West.

The bourgeoisie keeps more and more doing away with the scattered state of the population, of the means of production, and of property. It has agglomerated population, centralized means of production, and has concentrated property in a few hands. The necessary consequence of this was political centralization. Independent, or but loosely connected provinces, with separate interests, laws, governments, and systems of taxation, became lumped together in one nation, with one government, one code of laws, one national class interest, one frontier, and one customs tariff.

The bourgeoisie, during its rule of scarce one hundred years, has created more massive and more colossal productive forces than have all preceding generations together. Subjection of nature's forces to man, machinery, application of chemistry to industry and agriculture, steam navigation, railways, electric telegraphs, clearing of whole continents for cultivation, canalization of rivers, whole populations conjured out of the ground — what earlier century had even a presentiment that such productive forces slumbered in the lap of social labor?

We see, then, [that] the means of production and of exchange on whose foundation the bourgeoisie built itself up were generated in feudal society. At a certain stage in the development of these means of production and of exchange, the conditions under which feudal

society produced and exchanged, the feudal organization of agriculture and manufacturing industry, in one word, the feudal relations of property, became no longer compatible with the already developed productive forces; they became so many fetters. They had to burst asunder; they were burst asunder.

Into their places stepped free competition, accompanied by a social and political constitution adapted to it, and by the economical and political sway of the bourgeois class.

V. A similar movement is going on before our own eyes. Modern bourgeois society, with its relations of production, of exchange, and of property, a society that has conjured up such gigantic means of production and of exchange, is like the sorcerer who is no longer able to control the powers of the nether world whom he has called up by his spells. For many a decade past the history of industry and commerce is but the history of the revolt of modern productive forces against modern conditions of production, against the property relations that are the conditions for the existence of the bourgeoisie and of its rule. It is enough to mention the commercial crises that by their periodical return put on its trial, each time more threateningly, the existence of the entire bourgeois society. In these crises a great part, not only of the existing products, but also of the previously created productive forces, are periodically destroyed. In these crises there breaks out an epidemic that, in all earlier epochs, would have seemed an absurdity — the epidemic of overproduction. Society suddenly finds itself put back into a state of momentary barbarism; it appears as if a famine, a universal war of devastation, had cut off the supply of every means of subsistence; industry and commerce seem to be destroyed; and why? Because there is too much civilization, too much means of subsistence, too much industry, too much commerce. The productive forces at the disposal of society no longer tend to further the development of the conditions of bourgeois property; on the contrary, they have become too powerful for these conditions by which they are fettered, and so soon as they overcome these fetters, they bring disorder into the whole of bourgeois society, endanger the existence of bourgeois property. The conditions of bourgeois society are too narrow to comprise the wealth created by them. And how does the bourgeoisie get over these crises? On the one hand, by enforced destruction of a mass of productive forces; on the other, by the conquest of new markets and by the more thorough exploitation of the old ones. That is to say, by paving the way for

more extensive and more destructive crises, and by diminishing the means whereby crises are prevented.

VI. The weapons with which the bourgeoisie felled feudalism to the ground are now turned against the bourgeoisie itself.

But not only has the bourgeoisie forged the weapons that bring death to itself; it has also called into existence the men who are to wield those weapons — the modern working class, the proletarians.

In proportion as the bourgeoisie, *i.e.*, capital, is developed, in the same proportion is the proletariat, the modern working class, developed, — a class of laborers who live only so long as they find work, and who find work only so long as their labor increases capital. These laborers, who must sell themselves piecemeal, are a commodity, like every other article of commerce, and are consequently exposed to all the vicissitudes of competition, to all the fluctuations of the market.

Owing to the extensive use of machinery and to division of labor, the work of the proletarians has lost all individual character, and, consequently, all charm for the workman. He becomes an appendage of the machine, and it is only the most simple, most monotonous, and most easily acquired knack that is required of him. Hence, the cost of production of a workman is restricted, almost entirely, to the means of subsistance that he requires for his maintenance and for the propagation of his race. But the price of a commodity, and also of labor, is equal to its cost of production. In proportion, therefore, as the repulsiveness of the work increases, the wage decreases. Nay more, in proportion as the use of machinery and division of labor increases, in the same proportion the burden of toil also increases, whether by prolongation of the working hours, by increase of the work enacted in a given time, or by increased speed of the machinery, etc.

Modern industry has converted the little workshop of the patriarchal master into the great factory of the industrial capitalist. Masses of laborers, crowded into the factory, are organized like soldiers. As privates of the industrial army, they are placed under the command of a perfect hierarchy of officers and sergeants. Not only are they the slaves of the bourgeois class, and of the bourgeois State, they are daily and hourly enslaved by the machine, by the overlooker, and, above all, by the individual bourgeois manufacturer himself. The more openly this despotism proclaims gain to be its end and aim, the more petty, the more hateful, and the more embittering it is.

The less the skill and exertion or strength implied in manual labor,

in other words, the more modern industry becomes developed, the more is the labor of men superseded by that of women. Difference of age and sex have no longer any distinctive social validity for the working class. All are instruments of labor, more or less expensive to use, according to their age and sex.

No sooner is the exploitation of the laborer by the manufacturer so far at an end that he receives his wages in cash, than he is set upon by the other portions of the bourgeoisie — the landlord, the shopkeeper, the pawnbroker, etc.

The lower strata of the middle class — the small tradespeople, shopkeepers, and retired tradesmen generally, the handicraftsmen and peasants — all these sink gradually into the proletariat, partly because their diminutive capital does not suffice for the scale on which modern industry is carried on and is swamped in the competition with the large capitalists, partly because their specialized skill is rendered worthless by new methods of production. Thus the proletariat is recruited from all classes of the population.

VII. The proletariat goes through various stages of development. With its birth begins its struggle with the bourgeoisie. At first the contest is carried on by individual laborers, then by the workpeople of a factory, then by the operatives of one trade, in one locality, against the individual bourgeois who directly exploits them. They direct their attacks, not against the bourgeois conditions of production, but against the instruments of production themselves; they destroy imported wares that compete with their labor, they smash to pieces machinery, they set factories ablaze, they seek to restore by force the vanished status of the workman of the Middle Ages.

At this stage the laborers still form an incoherent mass scattered over the whole country, and broken up by their mutual competition. If anywhere they unite to form more compact bodies, this is not yet the consequence of their own active union, but of the union of the bourgeoisie, which class, in order to attain its own political ends, is compelled to set the whole proletariat in motion, and is moreover yet, for a time, able to do so. At this stage, therefore, the proletarians do not fight their enemies, but the enemies of their enemies, the remnants of absolute monarchy, the landowners, the non-industrial bourgeois, the petty bourgeoisie. Thus the whole historical movement is concentrated in the hands of the bourgeoisie; every victory so obtained is a victory for the bourgeoisie.

VIII. But with the development of industry the proletariat not

only increases in number, — it becomes concentrated in greater masses, its strength grows, and it feels that strength more. The various interests and conditions of life within the ranks of the proletariat are more and more equalized, in proportion as machinery obliterates all distinctions of labor, and nearly everywhere reduces wages to the same low level. The growing competition among the bourgeois, and the resulting commercial crises, make the wages of the workers ever more fluctuating. The unceasing improvement of machinery, ever more rapidly developing, makes their livelihood more and more precarious; the collisions between individual workmen and individual bourgeois take more and more the character of collisions between two classes. Thereupon the workers begin to form combinations (trade unions) against the bourgeois; they club together in order to keep up the rate of wages; they found permanent associations in order to make provision beforehand for these occasional revolts. Here and there the contest breaks out into riots.

Now and then the workers are victorious, but only for a time. The real fruit of their battles lies, not in the immediate result, but in the ever expanding union of the workers. This union is helped on by the improved means of communication that are created by modern industry and that place the workers of different localities in contact with one another. It was just this contact that was needed to centralize the numerous local struggles, all of the same character, into one national struggle between classes. But every class struggle is a political struggle. And that union, to attain which the burghers of the Middle Ages, with their miserable highways, required centuries, the modern proletarians, thanks to railways, achieve in a few years.

This organization of the proletarians into a class, and consequently into a political party, is continually being upset again by the competition between the workers themselves. But it ever rises up again, stronger, firmer, mightier. It compels legislative recognition of particular interests of the workers, by taking advantage of the divisions among the bourgeoisie itself. Thus the Ten Hours Bill[1] in England was carried.

Altogether, collisions between the classes of the old society further, in many ways, the course of development of the proletariat. The bourgeoisie finds itself involved in a constant battle. At first, with the aristocracy; later on, with those portions of the bourgeoisie itself whose interests have become antagonistic to the progress of industry;

[1] Passed by Parliament in 1847 and effective the following year.

at all times, with the bourgeoisie of foreign countries. In all these battles it sees itself compelled to appeal to the proletariat, to ask for its help, and thus to drag it into the political arena. The bourgeoisie itself, therefore, supplies the proletariat with its own elements of political and general education; in other words, it furnishes the proletariat with weapons for fighting the bourgeoisie.

Further, as we have already seen, entire sections of the ruling classes are by the advance of industry precipitated into the proletariat, or are at least threatened in their conditions of existence. These also supply the proletariat with fresh elements of enlightenment and progress.

Finally, in times when the class struggle nears the decisive hour, the process of dissolution going on within the ruling class, in fact, within the whole range of old society, assumes such a violent, glaring character that a small section of the ruling class cuts itself adrift and joins the revolutionary class, the class that holds the future in its hands. Just as, therefore, at an earlier period, a section of the nobility went over to the bourgeoisie, so now a portion of the bourgeoisie goes over to the proletariat, and in particular, a portion of the bourgeois ideologists, who have raised themselves to the level of comprehending theoretically the historical movements as a whole.

IX. Of all the classes that stand face to face with the bourgeoisie to-day, the proletariat alone is a really revolutionary class. The other classes decay and finally disappear in the face of modern industry; the proletariat is its special and essential product.

The lower middle class, the small manufacturer, the shopkeeper, the artisan, the peasant, all these fight against the bourgeoisie to save from extinction their existence as fractions of the middle class. They are therefore not revolutionary, but conservative. Nay more, they are reactionary, for they try to roll back the wheel of history. If by chance they are revolutionary, they are so only in view of their impending transfer into the proletariat; they thus defend not their present, but their future interests; they desert their own standpoint to place themselves at that of the proletariat.

The "dangerous class," the social scum, that passively rotting mass thrown off by the lowest layers of old society, may, here and there, be swept into the movement by a proletarian revolution; its conditions of life, however, prepare it far more for the part of a bribed tool of reactionary intrigue.

In the conditions of the proletariat, those of old society at large

are already virtually swamped. The proletarian is without property; his relation to his wife and children has no longer anything in common with the bourgeois family relations; modern industrial labor, modern subjection to capital, the same in England as in France, in America as in Germany, has stripped him of every trace of national character. Law, morality, religion, are to him so many bourgeois prejudices behind which lurk in ambush just as many bourgeois interests.

All the preceding classes that got the upper hand sought to fortify their already acquired status by subjecting society at large to their conditions of appropriation. The proletarians cannot become masters of the productive forces of society except by abolishing their own previous mode of appropriation, and thereby also every other previous mode of appropriation. They have nothing of their own to secure and to fortify; their mission is to destroy all previous securities for, and insurances of, individual property.

All previous historical movements were movements of minorities, or in the interest of minorities. The proletarian movement is the self-conscious, independent movement of the immense majority, in the interest of the immense majority. The proletariat, the lowest stratum of our present society, cannot stir, cannot raise itself up, without the whole superincumbent strata of official society being sprung into the air.

Though not in substance, yet in form, the struggle of the proletariat with the bourgeoisie is at first a national struggle. The proletariat of each country must, of course, first of all settle matters with its own bourgeoisie.

In depicting the most general phases of the development of the proletariat, we traced the more or less veiled civil war raging within existing society up to the point where that war breaks out into open revolution, and where the violent overthrow of the bourgeoisie lays the foundation for the sway of the proletariat.

X. Hitherto, every form of society has been based, as we have already seen, on the antagonism of oppressing and oppressed classes. But in order to oppress a class, certain conditions must be assured to it under which it can, at least, continue its slavish existence. The serf in the period of serfdom raised himself to membership in the commune, just as the petty bourgeois, under the yoke of feudal absolutism, managed to develop into a bourgeois. The modern laborer, on the contrary, instead of rising with the progress of industry, sinks

deeper and deeper below the conditions of existence of his own class. He becomes a pauper, and pauperism develops more rapidly than population and wealth. And here it becomes evident that the bourgeoisie is unfit any longer to be the ruling class in society, and to impose its conditions of existence upon society as an overriding law. It is unfit to rule, because it is incompetent to assure an existence to its slave within his slavery, because it cannot help letting him sink into such a state that it has to feed him, instead of being fed by him. Society can no longer live under this bourgeoisie; in other words, its existence is no longer compatible with society.

The essential condition for the existence and for the sway of the bourgeois class is the formation and augmentation of capital; the condition for capital is wage labor. Wage labor rests exclusively on competition between the laborers. The advance of industry, whose involuntary promoter is the bourgeoisie, replaces the isolation of the laborers due to competition by their involuntary combination due to association. The development of modern industry, therefore, cuts from under its feet the very foundation on which the bourgeoisie produces and appropriates products. What the bourgeoisie therefore produces, above all, are its own gravediggers. Its fall and the victory of the proletariat are equally inevitable.

. . . . . .

25. DECLARATION OF PARIS, 1856[1]

The plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, who met in conference after the Crimean War, not only attempted a new solution of the Eastern Question, but also took occasion to settle a number of long-disputed questions relating to the protection of commerce in time of war. The Declaration, to which they affixed their signatures at this time, was subsequently accepted by forty countries unrepresented at the Congress of Paris, thus becoming a recognized statute of international law. The only important power to withhold its consent was the United States, which refused to sign unless enemy property (except contraband of war) was also exempted from capture at sea. The United States, however, has strictly conformed with all the articles of the Declaration ever since their promulgation.

Declaration of Paris, 1856

The plenipotentiaries who signed the Treaty of Paris of the 30th of March, 1856, assembled in conference, considering,

That maritime law, in time of war, has long been the subject of deplorable disputes;

That the uncertainty of the law and of the duties in such a matter gives rise to differences of opinion between neutrals and belligerents, which may occasion serious difficulties and even conflicts;

That it is consequently advantageous to establish a uniform doctrine on so important a point;

That the plenipotentiaries assembled in Congress at Paris cannot better respond to the intentions by which their governments are animated than by seeking to introduce into international relations fixed principles in this respect;

The above-mentioned plenipotentiaries, being duly authorized, resolved to concert among themselves as to the means of attaining

[1] Edward Hertslet, *The Map of Europe by Treaty*, vol. ii, pp. 1282–1283. London, 1875–1891.

this object; and, having come to an agreement, have adopted the following solemn declaration:

I. Privateering is, and remains, abolished;

II. The neutral flag covers enemy's goods, with the exception of contraband of war;

III. Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag;

IV. Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

The governments of the undersigned plenipotentiaries engage to bring the present declaration to the knowledge of the states which have not taken part in the Congress of Paris, and to invite them to accede to it.

Convinced that the maxims which they now proclaim cannot but be received with gratitude by the whole world, the undersigned plenipotentiaries doubt not that the efforts of their governments to obtain the general adoption thereof will be crowned with full success.

The present declaration is not, and shall not be binding, except between those powers who have acceded, or shall accede, to it.

Done at Paris, the 16th of April, 1856.

26. LINCOLN'S FIRST INAUGURAL ADDRESS, 1861[1]

After the election of Abraham Lincoln in 1860, seven states seceded from the Union and organized the Southern Confederacy. Other states stood on the verge of secession. These circumstances made the inaugural address of the new president a momentous document. It announced his unalterable purpose to preserve, protect, and defend the government. Lincoln's arguments to show that the Union is perpetual, that it is older than the Constitution, and that "no state upon its own mere motion can lawfully get out of the Union" deserve special attention from the student of American federalism.

Lincoln's First Inaugural Address, 1861

Fellow Citizens of the United States

I. In compliance with a custom as old as the government itself, I appear before you to address you briefly, and to take in your presence the oath prescribed by the Constitution of the United States to be taken by the President "before he enters on the execution of his office."

I do not consider it necessary, at present, for me to discuss those matters of administration about which there is no special anxiety or excitement.

II. Apprehension seems to exist among the people of the southern states that, by the accession of a Republican administration, their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches, when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of

[1] J. D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789–1797*, vol. vi, pp. 5–12. Washington, 1896–1899.

slavery in the states where it exists. I believe I have no lawful right to do so; and I have no inclination to do so." Those who nominated and elected me did so with the full knowledge that I had made this and many similar declarations, and had never recanted them. And, more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

"*Resolved*, That the maintenance inviolate of the rights of the states, and especially the right of each state to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend; and we denounce the lawless invasion by armed force of the soil of any state or territory, no matter under what pretext, as among the gravest of crimes."

I now reiterate these sentiments; and in doing so I only press upon the public attention the most conclusive evidence of which the case is susceptible that the property, peace, and security of no section are to be in anywise endangered by the now incoming administration. I add, too, that all the protection which, consistently with the Constitution and the laws, can be given will be cheerfully given to all the states when lawfully demanded, for whatever cause — as cheerfully to one section as to another.

III. There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions:

"No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."[1]

It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves; and the intention of the lawgiver is the law. All members of Congress swear their support to the whole Constitution — to this provision as much as to any other. To the proposition, then, that slaves whose cases come within the terms of this clause "shall be delivered up," their oaths are unanimous. Now, if they would make the effort in good temper, could they not, with nearly equal unanimity, frame and pass a law by means of which to keep good that unanimous oath?

[1] Article iv, Section 2.

There is some difference of opinion whether this clause should be enforced by national or by state authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him or to others by which authority it is done. And should any one, in any case, be content that his oath shall go unkept on a merely unsubstantial controversy as to *how* it shall be kept?

Again, in any law upon this subject, ought not all the safeguards of liberty known in civilized and humane jurisprudence to be introduced, so that a free man be not, in any case, surrendered as a slave? And might it not be well at the same time to provide by law for the enforcement of that clause in the Constitution which guarantees that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states?"

I take the official oath to-day with no mental reservations and with no purpose to construe the Constitution or laws by any hypercritical rules; and while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all these acts which stand unrepealed, than to violate any of them, trusting to find impunity in having them held to be unconstitutional.

IV. It is seventy-two years since the first inauguration of a President under our National Constitution. During that period fifteen different and distinguished citizens have in succession administered the executive branch of the government. They have conducted it through many perils, and generally with great success. Yet, with all this scope for precedent, I now enter upon the same task, for the brief constitutional term of four years, under great and peculiar difficulties. A disruption of the federal Union, heretofore only menaced, is now formidably attempted.

I hold that in contemplation of universal law and of the Constitution the Union of these states is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our national Constitution, and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an

association of states in the nature of contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it — break it, so to speak; but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that in legal contemplation the Union is perpetual confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen states expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was "to form a more perfect Union." But if destruction of the Union by one or by a part only of the states be lawfully possible, the Union is *less* perfect than before the Constitution, having lost the vital element of perpetuity.

It follows from these views that no state, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence within any state or states, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken, and, to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the states. Doing this I deem to be only a simple duty on my part, and I shall perform it so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or in some authoritative manner direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it *will* constitutionally defend and maintain itself.

In doing this there needs be no bloodshed or violence, and there shall be none unless it is forced upon the national authority. The power confided to me will be used to hold, occupy, and possess the property and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion, no using of force against or among the people anywhere. Where hostility to the United States in any interior locality shall be so great and universal as to prevent

competent resident citizens from holding the federal offices, there will be no attempt to force obnoxious strangers among the people for that object. While the strict legal right may exist in the government to enforce the exercise of these offices, the attempt to do so would be so irritating and so nearly impracticable withal, that I deem it better to forego, for the time, the uses of such offices.

The mails, unless repelled, will be continued to be furnished in all parts of the Union. So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection. The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper; and in every case and exigency my best discretion will be exercised, according to circumstances actually existing, and with a view and a hope of a peaceful solution of the national troubles and the restoration of fraternal sympathies and affections.

V. That there are persons, in one section or another, who seek to destroy the Union at all events, and are glad of any pretext to do it, I will neither affirm or deny. But if there be such, I need address no word to them. To those, however, who really love the Union, may I not speak?

Before entering upon so grave a matter as the destruction of our national fabric, with all its benefits, its memories, and its hopes, would it not be wise to ascertain precisely why we do it? Will you hazard so desperate a step, while there is any possibility that any portion of the ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from, will you risk the commission of so fearful a mistake?

All profess to be content in the Union if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution; certainly would if such right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guarantees and prohibitions in the Constitution that

controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain, express provisions for all possible questions. Shall fugitives from labor be surrendered by national or by state authority? The Constitution does not expressly say. *May* Congress prohibit slavery in the territories? The Constitution does not expressly say. *Must* Congress protect slavery in the territories? The Constitution does not expressly say.

From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no alternative, for continuing the government is acquiescence on one side or the other. If a minority in such case will secede rather than acquiesce, they make a precedent which, in turn, will divide and ruin them, for a minority of their own will secede from them whenever a majority refuses to be controlled by such a minority. For instance, why may not any portion of a new Confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this.

Is there such perfect identity of interests among the states to compose a new Union as to produce harmony only, and prevent renewed secession? Plainly, the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or despotism. Unanimity is impossible. The rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism, in some form, is all that is left.

I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding in any case upon the parties to a suit as to the object of that suit, while they are also entitled to very high respect and consideration in all parallel cases by all other departments of the government. And while it is obviously possible

that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice. At the same time, the candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own masters, having to that extent practically resigned their government into the hands of that eminent tribunal. Nor is there in this view any assault upon the court or the judges. It is a duty, from which they may not shrink, to decide cases properly brought before them; and it is no fault of theirs if others seek to turn their decisions to political purposes.

One section of our country believes slavery is *right* and ought to be extended, while the other believes it is *wrong* and ought not to be extended. This is the only substantial dispute. The fugitive-slave clause of the Constitution and the law for the suppression of the foreign slave trade are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, cannot be perfectly cured, and it would be worse in both cases *after* the separation of the sections than before. The foreign slave trade, now imperfectly suppressed, would be ultimately revived without restriction in one section; while fugitive slaves, now only partially surrendered, would not be surrendered at all by the other.

Physically speaking, we cannot separate. We cannot remove our respective sections from each other nor build an impassible wall between them. A husband and wife may be divorced and go out of the presence and beyond the reach of each other, but the different parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous or more satisfactory *after* separation than *before?* Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you cannot fight always;

and when, after much loss on both sides and no gain on either, you cease fighting, the identical old questions, as to terms of intercourse, are again upon you.

VI. This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their *constitutional* right of amending it or their *revolutionary* right to dismember or overthrow it. I cannot be ignorant of the fact that many worthy and patriotic citizens are desirous of having the national Constitution amended. While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor rather than oppose a fair opportunity being afforded the people to act upon it. I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves, instead of only permitting them to take or reject propositions originated by others, not especially chosen for the purpose, and which might not be precisely such as they would wish either to accept or refuse. I understand that a proposed amendment to the Constitution — which amendment, however, I have not seen — has passed Congress, to the effect that the federal government shall never interfere with the domestic institutions of the states, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments so far as to say that, holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable.

VII. The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix the terms for the separation of the states. The people themselves can do this also if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present government as it came to his hands, and to transmit it unimpaired by him to his successor.

Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences is either party without faith of being in the right? If the almighty Ruler of nations, with His eternal truth and justice, be on your side of the North, or on yours of the South, that truth and that justice will surely prevail by the judgment of this great tribunal of the American people.

By the frame of the government under which we live this same people have wisely given their public servants but little power for mischief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short space of four years.

My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to *hurry* any of you in hot haste to a step which you would never take *deliberately*, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it; while the new administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in the dispute, there still is no single reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust, in the best way, all our present difficulty.

In *your* hands, my dissatisfied fellow-countrymen, and not in *mine*, is the momentous issue of civil war. The government will not assail *you*. *You* can have no conflict without being yourselves the aggressors. *You* have no oath registered in heaven to destroy the government, while *I* shall have the most solemn one to "preserve, protect, and defend it."

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic cords of memory, stretching from every battle-field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

27. GETTYSBURG ADDRESS, 1863 [1]

The National Military Cemetery at Gettysburg, Pennsylvania, was dedicated on November 19, 1863, as a memorial of the three-days' battle there the preceding July. Edward Everett made the formal oration upon this occasion. President Lincoln then spoke briefly. His address, perfect in form and elevated in feeling, has come to be universally recognized as a classic in American literature. It is also the best short exposition of the spirit of American democracy.

Gettysburg Address, 1863

Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we cannot dedicate — we cannot consecrate — we cannot hallow — this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us — that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.

[1] Abraham Lincoln, *Complete Works*, vol. ii, p. 439. Edited by J. G. Nicolay and John Hay. New York, 1894. Century Company.

28. PEACE CIRCULAR OF NICHOLAS II, 1898 [1]

On August 24, 1898, the diplomatic representatives attending the weekly reception at the court of St. Petersburg were handed the circular note reproduced below. Though signed by Count Muraviev, Russian Minister for Foreign Affairs, it expressed the aspirations for universal peace of his royal master and led to the convocation of the First Hague Conference in the following year.

Peace Circular of Nicholas II, 1898

I. The maintenance of general peace and a possible reduction of the excessive armaments which weigh upon all nations present themselves, in the existing condition of the whole world, as the ideal toward which the endeavors of all governments should be directed.

The humanitarian and magnanimous views of his Majesty the emperor, my august master, are in perfect accord with this sentiment.

In the conviction that this lofty aim is in conformity with the most essential interests and the legitimate aspirations of all powers, the imperial government believes that the present moment would be very favorable for seeking, by means of international discussion, the most effective means of insuring to all peoples the benefits of a real and lasting peace, and above all of limiting the progressive development of existing armaments.

II. In the course of the last twenty years the longings for a general state of peace have become especially pronounced in the consciences of civilized nations. The preservation of peace has been put forward as the object of international policy. In its name great states have formed powerful alliances; and for the better guaranty of peace they have developed their military forces to proportions hitherto unknown and still continue to increase them without hesitating at any sacrifice.

All these efforts, nevertheless, have not yet led to the beneficent results of the desired pacification.

[1] J. B. Scott, *The Hague Conventions and Declarations of 1899 and 1907*, pp. xv-xvi. Second Edition. New York, 1915. Oxford University Press.

The ever increasing financial charges strike and paralyze public prosperity at its source; the intellectual and physical strength of the nations, their labor and capital, are for the most part diverted from their natural application and unproductively consumed; hundreds of millions are spent in acquiring terrible engines of destruction, which, though to-day regarded as the last word of science, are destined to-morrow to lose all value, in consequence of some fresh discovery in the same field. National culture, economic progress, and the production of wealth are either paralyzed or perverted in their development.

Moreover, in proportion as the armaments of each power increase, so do they less and less attain the object aimed at by the governments. Economic crises, due in great part to the system of amassing armaments to the point of exhaustion, and the continual danger which lies in this accumulation of war material, are transforming the armed peace of our days into a crushing burden which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of affairs be prolonged, it will inevitably lead to the very cataclysm which it is desired to avert, and the impending horrors of which are fearful to every human thought.

In checking these increasing armaments and in seeking the means of averting the calamities which threaten the entire world lies the supreme duty to-day resting upon all states.

III. Imbued with this idea, his Majesty has been pleased to command me to propose to all the governments which have accredited representatives at the imperial court the holding of a conference to consider this grave problem.

This conference would be, by the help of God, a happy presage for the century about to open. It would converge into a single powerful force the efforts of all the states which sincerely wish the great conception of universal peace to triumph over the elements of disturbance and discord. It would at the same time cement their agreement by a solemn avowal of the principles of equity and law, upon which repose the security of states and the welfare of peoples.

29. FINAL ACT OF THE FIRST HAGUE PEACE CONFERENCE, 1899 [1]

The First Peace Conference met at The Hague on the tsar's birthday, May 18, 1899, and adjourned on July 29. Twenty-six states were represented. The United States and Mexico were the only American countries to take part in the proceedings. The conference could not agree to limit armaments or military expenditures, owing to the opposition of the great powers, particularly Germany. Nevertheless, agreements were reached relating to the pacific settlement of international disputes and to the regulation of warfare by land and sea. These are summarized in the Final Act here reproduced. Work still more important was accomplished by the Second Peace Conference of 1907, in which forty-four states, or practically all the civilized world, had representation. The conventions of the preceding conference were revised, new ones were adopted, and a judicial arbitration court, commonly known as the Hague Tribunal, was created. No subsequent conference has assembled, owing to the World War, but the functions of such an organization will henceforth be assumed by the League of Nations.

Final Act of the First Hague Peace Conference, 1899

The International Peace Conference, convoked in the best interests of humanity by his Majesty the Emperor of All the Russias, assembled, on the invitation of the government of her Majesty the Queen of the Netherlands, in the Royal House in the Wood at The Hague, on May 18, 1899.[2]

. . . . . .

In a series of meetings, between May 18 and July 29, 1899, in which the constant desire of the delegates above mentioned has been to real-

[1] J. B. Scott, *The Hague Conventions and Declarations of 1899 and 1907*, pp. 1, 25–31. Second Edition. New York, 1915. Oxford University Press.

[2] Here follows the long list of delegates to the Conference.

ize, in the fullest manner possible, the generous views of the august initiator of the conference and the intentions of their governments, the conference has agreed, for submission for signature by the plenipotentiaries, on the text of the conventions and declarations enumerated below and annexed to the present act:

I. Convention for the peaceful adjustment of international differences.

II. Convention regarding the laws and customs of war on land.

III. Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864.

IV. Three declarations:

1. To prohibit the launching of projectiles and explosives from balloons or by other similar new methods.

2. To prohibit the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.

3. To prohibit the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.

These conventions and declarations shall form so many separate acts. These acts shall be dated this day, and may be signed up to December 31, 1899, by the plenipotentiaries of the powers represented at the International Peace Conference at The Hague.

Guided by the same sentiments, the conference has adopted unanimously the following resolution:

"The conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind."

It has, besides, formulated the following wishes:

1. The conference, taking into consideration the preliminary steps taken by the Swiss federal government for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a special conference having for its object the revision of that convention.

This wish was voted unanimously.

2. The conference expresses the wish that the questions of the rights and duties of neutrals may be inserted in the program of a conference in the near future.

3. The conference expresses the wish that the questions with

regard to rifles and naval guns, as considered by it, may be studied by the governments, with the object of coming to an agreement respecting the employment of new types and calibers.

4. The conference expresses the wish that the governments, taking into consideration the proposals made at the conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.

5. The conference expresses the wish that the proposal, which contemplates the declaration of the inviolability of private property in naval warfare, may be referred to a subsequent conference for consideration.

6. The conference expresses the wish that the proposal to settle the question of the bombardment of ports, towns, and villages by a naval force may be referred to a subsequent conference for consideration.

The last five wishes were voted unanimously, saving some abstentions.

In faith of which, the plenipotentiaries have signed the present act and have affixed their seals thereto.

Done at The Hague, July 29, 1899, in one copy only, which shall be deposited in the Ministry for Foreign Affairs, and of which copies, duly certified, shall be delivered to all the powers represented at the conference.

30. ROOSEVELT'S INAUGURAL ADDRESS, 1905 [1]

THE theme of President Roosevelt's brief inaugural address, delivered at Washington, March 4, 1905, was America's responsibilities as a free, self-governing nation.

ROOSEVELT'S INAUGURAL ADDRESS, 1905

My Fellow Citizens

I. No people on earth have more cause to be thankful than ours, and this is said reverently, in no spirit of boastfulness in our own strength, but with gratitude to the Giver of Good, who has blessed us with the conditions which have enabled us to achieve so large a measure of well-being and of happiness. To us as a people it has been granted to lay the foundations of our national life in a new continent. We are the heirs of the ages, and yet we have had to pay few of the penalties which in old countries are exacted by the dead hand of a bygone civilization. We have not been obliged to fight for our existence against any alien race; and yet our life has called for the vigor and effort without which the manlier and hardier virtues wither away. Under such conditions it would be our own fault if we failed; and the success which we have had in the past, the success which we confidently believe the future will bring, should cause in us no feeling of vainglory, but rather a deep and abiding realization of all which life has offered us; a full acknowledgment of the responsibility which is ours; and a fixed determination to show that under a free government a mighty people can thrive best, alike as regards the things of the body and the things of the soul.

II. Much has been given to us, and much will rightfully be expected from us. We have duties to others and duties to ourselves; and we can shirk neither. We have become a great nation, forced by the fact of its greatness into relations with the other nations of the earth; and we must behave as beseems a people with such responsibilities. Toward all other nations, large and small, our attitude must be one of cordial and sincere friendship. We must show, not only in our words, but in our deeds, that we are earnestly desirous of securing

[1] *Congressional Record*, vol. xl, part i, pp. 2–3. Washington, 1906.

their good-will by acting toward them in a spirit of just and generous recognition of all their rights. But justice and generosity in a nation, as in an individual, count most when shown, not by the weak, but by the strong. While ever careful to refrain from wronging others, we must be no less insistent that we are not wronged ourselves. We wish peace; but we wish the peace of justice, the peace of righteousness. We wish it because we think it is right and not because we are afraid. No weak nation that acts manfully and justly should ever have cause to fear us, and no strong power should ever be able to single us out as a subject for insolent aggression.

III. Our relations with the other powers of the world are important; but still more important are our relations among ourselves. Such growth in wealth, in population, and in power as this nation has seen during the century and a quarter of its national life is inevitably accompanied by a like growth in the problems which are ever before every nation that rises to greatness. Power invariably means both responsibility and danger. Our forefathers faced certain perils which we have outgrown. We now face other perils, the very existence of which it was impossible that they should foresee. Modern life is both complex and intense, and the tremendous changes wrought by the extraordinary industrial development of the last half-century are felt in every fiber of our social and political being. Never before have men tried so vast and formidable an experiment as that of administering the affairs of a continent under the form of a democratic republic. The conditions which have told for our marvelous material well-being, which have developed to a very high degree our energy, self-reliance, and individual initiative, have also brought the care and anxiety inseparable from the accumulation of great wealth in industrial centers. Upon the success of our experiment much depends; not only as regards our own welfare, but as regards the welfare of mankind. If we fail, the cause of free self-government throughout the world will rock to its foundations; and therefore our responsibility is heavy, to ourselves, to the world as it is to-day, and to the generations yet unborn. There is no good reason why we should fear the future, but there is every reason why we should face it seriously, neither hiding from ourselves the gravity of the problems before us nor fearing to approach these problems with the unbending, unflinching purpose to solve them aright.

IV. Yet, after all, though the problems are new, though the tasks set before us differ from the tasks set before our fathers who founded

and preserved this republic, the spirit in which these tasks must be undertaken and these problems faced, if our duty is to be well done, remains essentially unchanged. We know that self-government is difficult. We know that no people needs such high traits of character as that people which seeks to govern its affairs aright through the freely expressed will of the freemen who compose it. But we have faith that we shall not prove false to the memories of the men of the mighty past. They did their work, they left us the splendid heritage we now enjoy. We in our turn have an assured confidence that we shall be able to leave this heritage unwasted and enlarged to our children and our children's children. To do so we must show, not merely in great crises, but in the everyday affairs of life, the qualities of practical intelligence, of courage, of hardihood and endurance, and above all the power of devotion to a lofty ideal, which made great the men who founded this republic in the days of Washington, which made great the men who preserved this republic in the days of Abraham Lincoln.

31. WILSON'S FOURTEEN POINTS, 1918 [1]

The issues at stake in the World War became clearer as the struggle proceeded. When, on August 1, 1917, Pope Benedict XV proposed that the belligerent countries negotiate with one another on the basis of conditions existing before 1914 — the *status quo ante* — President Wilson answered, for both the United States and the Allies, that no acceptable terms could be arranged with the autocratic and irresponsible Hohenzollern government. On December 2, 1917, the Bolshevist envoys at Brest-Litovsk brought forward their own proposals for ending the war through a congress of delegates chosen by the parliament of each country. Then on January 5, 1918, Mr. Lloyd George, in a speech before the Trade Union Conference at London, set forth more specifically than ever before the war aims of the Allies. Permanent peace could not come, the British premier declared, until three conditions were fulfilled: first, the sanctity of treaties must be reëstablished; second, territorial settlements must be based on the right of self-determination of nationalities, or the consent of the governed; and third, some international organization must be created to limit the burden of armaments and diminish the probability of future conflicts. This speech was followed on January 8 by President Wilson's address to Congress, with its Fourteen Points of a program for a just and lasting settlement. While the President spoke only for the United States, his statements, with some reservations, were accepted in Great Britain, France, and Italy as embodying the purposes of the Allies in the World War.

Wilson's Fourteen Points, 1918

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The program of the world's peace, therefore, is our program, and that program, the only possible program, as we see it, is this:

[1] *Congressional Record*, vol. lvi, part i, p. 691. Washington, 1918.

I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

II. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

IV. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interest of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.

VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest coöperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

VII. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the

world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all.

IX. A readjustment of the frontiers of Italy should be affected along clearly recognizable lines of nationality.

X. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

XI. Rumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan states to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan states should be entered into.

XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development; and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

XIII. An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.

In regard to these essential rectifications of wrong and assertions of right we feel ourselves to be intimate partners of all the governments and the peoples associated together against the imperialists. We cannot be separated in interest or divided in purpose. We stand together until the end.

For such arrangements and covenants we are willing to fight and to continue to fight until they are achieved; but only because we wish the right to prevail and desire a just and stable peace such as can be secured only by removing the chief provocations to war, which this program does remove.

. . . . . .

32. DECLARATION OF INDEPENDENCE OF THE CZECHO-SLOVAK NATION, 1918 [1]

The Czecho-Slovaks, comprising the Czechs of Bohemia, Moravia, and Austrian Silesia and the Slovaks of northern Hungary, found in the World War an opportunity to strike for freedom and national existence. Their leaders in Allied countries formed the Czecho-Slovak National Council, with headquarters at Paris. The President of the Council, Professor Thomas G. Masaryk, remained in Washington, where he was in close touch with President Wilson after the United States had recognized the Czecho-Slovaks on September 2, 1918. During the following month (October 18), the Provisional Government issued a formal Declaration of Independence. This stirring document breathes the spirit of democracy in every paragraph.

Declaration of Independence of the Czecho-Slovak Nation, 1918

I. At this grave moment, when the Hohenzollerns are offering peace in order to stop the victorious advance of the allied armies and to prevent the dismemberment of Austria-Hungary and Turkey, and when the Hapsburgs are promising the federalization of the empire and autonomy to the dissatisfied nationalities committed to their rule, we, the Czecho-Slovak National Council, recognized by the Allied and American governments as the Provisional Government of the Czecho-Slovak state and nation, in complete accord with the declaration of the Czech deputies made in Prague on January 6, 1918, and realizing that federalization and, still more, autonomy mean nothing under a Hapsburg dynasty, do hereby make and declare this our Declaration of Independence.

We do this because of our belief that no people should be forced to live under a sovereignty they do not recognize, and because of our knowledge and firm conviction that our nation cannot freely develop in a Hapsburg mock federation, which is only a new form of

[1] *Current History*, 1918, vol. viii, pp. 492–494.

the denationalizing oppression under which we have suffered for the last three hundred years. We consider freedom to be the first prerequisite for federalization, and believe that the free nations of central and eastern Europe may easily federate should they find it necessary.

II. We make this declaration on the basis of our historic and natural right. We have been an independent state since the seventh century; and in 1526, as an independent state, consisting of Bohemia, Moravia, and Silesia, we joined with Austria and Hungary in a defensive union against the Turkish danger. We have never voluntarily surrendered our rights as an independent state in this confederation. The Hapsburgs broke their compact with our nation by illegally transgressing our rights and violating the constitution of our state,which they had pledged themselves to uphold, and we therefore refuse longer to remain a part of Austria-Hungary in any form.

We claim the right of Bohemia to be reunited with her Slovak brethern of Slovakia, once a part of our national state, later torn from our national body, and fifty years ago incorporated in the Hungarian state of the Magyars, who, by their unspeakable violence and ruthless oppression of their subject races, have lost all moral and human right to rule anybody but themselves.

III. The world knows the history of our struggle against the Hapsburg oppression, intensified and systematized by the Austro-Hungarian dualistic compromise of 1867.[1] This dualism is only a shameless organization of brute force and exploitation of the majority by the minority; it is a political conspiracy of the Germans and Magyars against our own as well as the other Slav and the Latin nations of the monarchy. The world knows the justice of our claims, which the Hapsburgs themselves dared not deny. Francis Joseph [I], in the most solemn manner, repeatedly recognized the sovereign rights of our nation. The Germans and Magyars opposed this recognition; and Austria-Hungary, bowing before the Pan-Germans, became a colony of Germany, and, as her vanguard to the East, provoked the last Balkan conflict, as well as the present world war, which was begun by the Hapsburgs alone without the consent of the representatives of the people.

We cannot and will not continue to live under the rule, direct or indirect, of the violators of Belgium, France, and Serbia, the would-be

[1] The so-called *Ausgleich*.

murderers of Russia and Rumania, the murderers of tens of thousands of civilians and soldiers of our blood, and the accomplices in numberless unspeakable crimes committed in this war against humanity by the two degenerate and irresponsible dynasties. We will not remain a part of a state which has no justification for existence and which, refusing to accept the fundamental principles of modern world organization, remains only an artificial and immoral political structure, hindering every movement toward democratic and social progress. The Hapsburg dynasty, weighed down by a huge inheritance of error and crime, is a perpetual menace to the peace of the world, and we deem it our duty toward humanity and civilization to aid in bringing about its downfall and destruction.

We reject the sacrilegious assertion that the power of the Hapsburg and Hohenzollern dynasties is of divine origin; we refuse to recognize the divine right of kings. Our nation elected the Hapsburgs to the throne of Bohemia of its own free will, and by the same right deposes them. We hereby declare the Hapsburg dynasty unworthy of leading our nation, and deny all of their claims to rule in the Czecho-Slovak land, which we here and now declare shall henceforth be a free and independent people and nation.

IV. We accept and shall adhere to the ideals of modern democracy, as they have been the ideals of our nation for centuries. We accept the American principles as laid down by President Wilson: the principles of liberated mankind — of the actual equality of nations — and of governments deriving all their just power from the consent of the governed. We, the nation of Comenius,[1] cannot but accept these principles expressed in the American Declaration of Independence, the principles of Lincoln, and of the Declaration of the Rights of Man and of the Citizen. For these principles our nation shed its blood in the memorable Hussite wars five hundred years ago; for these same principles, beside her allies in Russia, Italy, and France, our nation is shedding its blood to-day.

V. We shall outline only the main principles of the constitution of the Czecho-Slovak nation; the final decision as to the constitution itself falls to the legally chosen representatives of the liberated and united people.

The Czecho-Slovak state shall be a republic. In constant endeavor for progress it will guarantee complete freedom of conscience, religion and science, literature and art, speech, the press, and the

[1] A Moravian bishop and educator (1592–1671).

right of assembly and petition. The Church shall be separated from the State. Our democracy shall rest on universal suffrage; women shall be placed on an equal footing with men, politically, socially, and culturally. The rights of the minority shall be safeguarded by proportional representation; national minorities shall enjoy equal rights. The government shall be parliamentary in form and shall recognize the principles of the initiative and referendum. The standing army will be replaced by militia.

The Czecho-Slovak nation will carry out far-reaching social and economic reforms; the large estates will be redeemed for home colonization; patents of nobility will be abolished. Our nation will assume its part of the Austro-Hungarian pre-war public debt; the debts for this war we leave to those who incurred them.

In its foreign policy the Czecho-Slovak nation will accept its full share of responsibility in the reorganization of eastern Europe. It accepts fully the democratic and social principle of nationalism and subscribes to the doctrine that all covenants and treaties shall be entered into openly and frankly without secret diplomacy.

Our constitution shall provide an efficient, rational, and just government, which will exclude all special privileges and prohibit class legislation.

Democracy has defeated theocratic autocracy. Militarism is overcome, democracy is victorious; on the basis of democracy mankind will be reorganized. The forces of darkness have served the victory of light, the longed-for age of humanity is dawning.

We believe in democracy, we believe in liberty, and liberty evermore.

Given in Paris on the eighteenth of October, 1918.[1]

[1] Signed by Thomas G. Masaryk, prime minister, M. R. Stefanik, minister of national defense, and Edward Benes, minister of foreign affairs.

33. COVENANT OF THE LEAGUE OF NATIONS, 1919 [1]

As soon as the Peace Conference met at Paris steps were taken to organize a League of Nations. A committee of delegates, representing fourteen countries and including President Wilson and Mr. E. W. House (United States), Lord Robert Cecil and General Smuts (Great Britain), M. Léon Bourgeois (France), Premier Orlando (Italy), and Baron Chinda (Japan), held daily sessions and on February 14, 1919, presented a unanimous report to a plenary session of the Conference. The preliminary draft of the constitution or covenant was subsequently modified as the result of world-wide discussion and on April 28 was again laid before the Conference. This amended document then became the first part of the peace treaty with Germany. The signing of the treaty by the Allied and Associated governments and its subsequent ratification set up the League of Nations in active operation. The original members of the League are twenty-six Allied belligerent powers (counting separately the British Empire, Canada, Australia, South Africa, New Zealand, and India) and four powers (Bolivia, Ecuador, Peru, and Uruguay) in a state of diplomatic rupture with the enemy. Thirteen neutral countries were also invited to accede to the covenant. China, which did not sign the peace treaty, and the United States, which did not ratify it, were consequently excluded from the list of original members of the League.

Covenant of the League of Nations, 1919

The high contracting parties, in order to promote international cooperation and to achieve international peace and security, by the acceptance of obligations not to resort to war, by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international

[1] *Senate Document*, No. 49 (66th Congress, 1st Session), pp. 8–17. Washington, 1919.

law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, agree to this covenant of the League of Nations

Article I

The original members of the League of Nations shall be those of the signatories which are named in the annex to this covenant and also such of those other states named in the annex as shall accede without reservation to this covenant. Such accession shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the covenant. Notice thereof shall be sent to all other members of the league.

Any fully self-governing state, dominion, or colony, not named in the annex, may become a member of the league, if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the league in regard to its military, naval, and air forces, and armaments.

Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

Article II

The action of the league under this covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

Article III

The Assembly shall consist of representatives of the members of the league.

The Assembly shall meet at stated intervals, and from time to time as occasion may require, at the seat of the league or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

At meetings of the Assembly each member of the league shall have one vote, and may have not more than three representatives.

Article IV

The Council shall consist of representatives of the principal Allied and Associated powers, together with representatives of four other members of the league. These four members of the league shall be selected by the Assembly from time to time in its discretion. Until the appointment of the representatives of the four members of the league first selected by the Assembly, representatives of Belgium, Brazil, Spain, and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional members of the league whose representatives shall always be members of the Council; the Council with like approval may increase the number of members of the league to be selected by the Assembly for representation to the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the seat of the league, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

Any member of the league not represented on the Council shall be invited to send a representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that member of the league.

At meetings of the Council each member of the league represented on the Council shall have one vote, and may have not more than one representative.

Article V

Except where otherwise expressly provided in this covenant, or by the terms of the present treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the members of the league represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, the appointment of committees to investigate particular matters, shall be regulated by the Assembly or by the Council, and may be decided by a majority of the members of the league represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

Article VI

The permanent Secretariat shall be established at the seat of the league. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the annex; thereafter the Secretary General shall be appointed by the Council, with the approval of the majority of the Assembly.

The secretaries and the staff of the Secretariat shall be appointed by the Secretary General, with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the members of the league, in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Article VII

The seat of the league is established at Geneva.

The Council may at any time decide that the seat of the league shall be established elsewhere.

All positions under or in connection with the league, including the Secretariat, shall be open equally to men and women.

Representatives of the members of the league and officials of the League, when engaged on the business of the League, shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the league or its officials, or by representatives attending its meetings, shall be inviolable.

Article VIII

The members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with the national safety, and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each state, shall formulate plans for such reduction for the consideration and action of the several governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several govern-

ments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The members of the league agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the league which are not able to manufacture the munitions and implements of war necessary for their safety.

The members of the league undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programs, and the condition of such of their industries as are adaptable to warlike purposes.

Article IX

A permanent commission shall be constituted to advise the Council on the execution of the provisions of articles I and VIII, and on military, naval, and air questions generally.

Article X

The members of the league undertake to respect and preserve against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.

Article XI

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the Secretary General shall, on the request of any member of the league, forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each member of the league to bring to the attention of the Assembly, or of the Council, any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Article XII

The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or an inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Article XIII

The members of the league agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact, which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute, or stipulated in any convention existing between them.

The members of the league agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a member of the league which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

Article XIV

The Council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of any international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

Article XV

If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article XIII, the members of the league agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of any dispute, and if such efforts are successful, a statement shall be made public, giving such facts and explanations regarding the dispute and terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any member of the league represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report and shall make no recommendation as to its settlement.

The Council may in any case under this article refer the dispute

to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this article, and of Article XII relating to the action and powers of the Council, shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the representatives of those members of the league represented on the Council and of a majority of the other members of the League, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof, other than the representatives of one or more of the parties to the dispute.

Article XVI

Should any member of the league resort to war in disregard of its covenants under articles XII, XIII, or XV, it shall *ipso facto* be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking state and the nationals of any other state, whether a member of the league or not.

It shall be the duty of the Council in such case to recommend to the several governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

The members of the league agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking state, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are coöperating to protect the covenants of the league.

Any member of the league which has violated any covenants of the league may be declared to be no longer a member of the league, by a vote of the Council concurred in by the representatives of all the other members of the league represented thereon.

Article XVII

In the event of a dispute between a member of the league and a state which is not a member of the league, or between states not members of the league, the state or states not members of the league shall be invited to accept the obligations of membership in the league for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of articles XII to XVI, inclusive, shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given, the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a state so invited shall refuse to accept the obligations of membership in the league for the purposes of such dispute, and shall resort to war against a member of the league, the provisions of Article XVI shall be applicable as against the state taking such action.

If both parties to the dispute, when so invited, refuse to accept the obligations of membership in the league for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Article XVIII

Every treaty or international engagement entered into hereafter by any member of the league shall be forthwith registered with the Secretariat and shall, as soon as possible, be published by it. No such treaty or international engagement shall be binding until so registered.

Article XIX

The Assembly may, from time to time, advise the reconsideration by members of the league of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world.

Article XX

The members of the league severally agree that this covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any member of the league shall, before becoming a member of the league, have undertaken any obligations inconsistent with the terms of this covenant, it shall be the duty of such member to take immediate steps to procure its release from such obligations.

Article XXI

Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace.

Article XXII

To those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the states which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in this covenant.

The best method of giving practicable effect to this principle is that the tutelage of such peoples be intrusted to advanced nations, who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the league.

The character of the mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities, formerly belonging to the Turkish Empire, have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory until

such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the league.

There are territories, such as Southwest Africa and certain of the South Pacific islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory, if not previously agreed upon by the members of the league, shall be explicitly defined in each case by the Council.

A permanent commission shall be constituted to receive and examine the annual reports of the mandatories and to advise the Council on all matters relating to the observance of the mandates.

Article XXIII

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league (*a*) will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations; (*b*) undertake to

secure just treatment of the native inhabitants of territories under their control; (*c*) will intrust the league with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs; (*d*) will intrust the league with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest; (*e*) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all members of the league. In this connection, the special necessities of the regions devastated during the war of 1914–1918 shall be in mind; (*f*) will endeavor to take steps in matters of international concern for the prevention and control of disease.

Article XXIV

There shall be placed under the direction of the league all international bureaus already established by general treaties, if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the league.

In all matters of international interest which are regulated by general conventions, but which are not placed under the control of international bureaus or commissions, the Secretariat of the league shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the league.

Article XXV

The members of the league agree to encourage and promote the establishment and coöperation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.

Article XXVI

Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the Council,

and by a majority of the members of the league whose representatives compose the Assembly.

No such amendment shall bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league.

ANNEX

1. Original members of the League of Nations signatories of the treaty of peace:

United States of America, Belgium, Bolivia, Brazil, British Empire (Canada, Australia, South Africa, New Zealand, India), China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, Hejaz, Honduras, Italy, Japan, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Siam, Czecho-Slovakia, Uruguay.

States invited to accede to the covenant:

Argentine Republic, Chile, Colombia, Denmark, Netherlands, Norway, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland, Venezuela.

2. First Secretary General of the League of Nations: The Honorable Sir James Eric Drummond, K.C.M.G., C.B.

INDEX AND PRONOUNCING VOCABULARY

NOTE. — The pronunciation of most proper names is indicated either by a simplified spelling or by their accentuation and division into syllables. The diacritical marks employed are those found in Webster's *New International Dictionary* and are the following:

ā as in āle.
â " " senâte.
å " " cåre.
ă " " ăm.
ȧ " " ȧccount.
ä " " ärm.
à " " àsk.
ạ " " sofạ.
ē " " ēve.
ê " " êvent.
ĕ " " ĕnd.
ẹ " " recẹnt.
ē " " makēr.
ī " " īce.
ĭ " " ĭll.
ō as in ōld.
ô " " ôbey.
ǫ " " ǫrb.
ŏ " " ŏdd.
ō " " sōft.
o͝ " " co͝nnect.
ū " " ūse.
û " " ûnite.
ŭ " " ŭrn.
ŭ " " ŭp.
ṷ " " circṷs.
ü " " menü.
o͞o as in fo͞od.
o͝o " " fo͝ot.
ou " " out.
oi as in oil.
ch " " chair.
g " " go.
ng " " sing.
ŋ " " iŋk.
th " " then.
th " " thin.
t͡u " " nat͡ure.
d͡u " " verd͡ure.
ĸ for ch as in Ger. ich, ach.
ɴ as in Fr. bon.
y " " yet.
zh for z as in azure.

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